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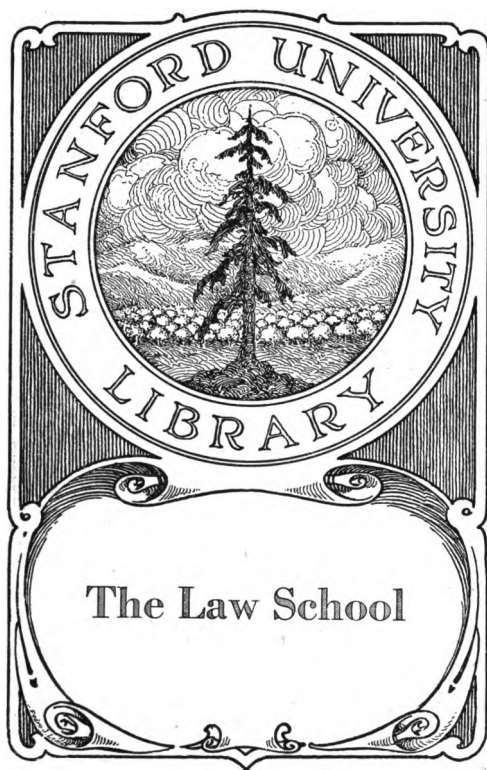
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OF

WASHINGTON TERRITORY,

ENACTED BY THE

LEGISLATIVE ASSEMBLY,

AT ITS

ELEVENTH BIENNIAL SESSION,

1887-8.

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ORGANIC LAW,

OR SECTIONS OF CHAPTERS ONE AND TWO, TITLE TWENTY-THREE, OF
THE REVISED STATUTES, CONTAINING PROVISIONS COMMON TO
ALL THE TERRITORIES, OR TO WASHINGTON TERRITORY
ALONE, AND OTHER ACTS OF CONGRESS APPLICABLE
TO THE TERRITORY, INCLUDING TITLE XXX.,
U. S. REVISED STATUTES, NATURALIZATION.

BOUNDARIES.

SEC. 1898. All that portion of Oregon, while that state was a territory, lying and being south of the forty-ninth degree of north latitude and north of the middle of the main channel of the Columbia river from its mouth to where the forty-sixth degree of north latitude crosses that river, near Fort Walla Walla; thence with the forty-sixth degree of latitude to the summit of the Rocky mountains, is organized into a temporary government by the name of the territory of Washington.

SEC. 1902. All that part of the territory of the United States included within the following limits, to-wit: Beginning at a point in the middle channel of the Snake river, where the northern boundary of Oregon intersects the same; then follow down the channel of Snake river to a point opposite the mouth of Kooskooskia or Clear Water river; thence due north to the forty-ninth parallel of latitude; thence east along that parallel to the thirty-ninth degree of longitude west of Washington; thence south along that degree of longitude to the crest of the Bitter Root mountains till its intersection with the Rocky mountains; thence southward along the crest of the Rocky mountains to the thirty-fourth degree of longitude west of Washington; thence south along that degree of longitude to the forty-second degree of north latitude; thence west along that parallel to the eastern boundary of the state of Oregon; thence north along that boundary to the place of beginning, is created into a temporary temporary government by the name of the territory of Idaho.

CHAPTER I.

PROVISIONS COMMON TO ALL THE TERRITORIES.

SEC. 1839. Nothing in this title shall be construed to impair the rights of person or property pertaining to the Indians in any territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any territory now or hereafter organized until such tribe signifies its assent to the president to be embraced within a particular territory.

SEC. 1840. Nor shall anything in this title be construed to affect the authority of the United States to make any regulations respecting the Indians of any territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such territory.

SEC. 1841. The executive power of each territory shall be vested in a governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the president. He shall reside in the territory for which he is appointed, and shall be commander-in-chief of the militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offences against the laws of the territory for which he is appointed, and respites for offences against the laws of the United States, till the decision of the president can be made known thereon. He shall commission all officers who are appointed under the laws of such territory, and shall take care that the laws thereof be faithfully executed.

SEC. 1842. Every bill which has passed the legislative assembly of any territory shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, and that house shall enter the objections at large on its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house. If any bill is not returned by the governor within three days, Sundays excluded,

except in Washington and Wyoming, where the term is five days, Sundays excluded, after it has been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly, by adjournment sine die, prevent its return, in which case it shall not be a law.

SEC. 1843. There shall be appointed a secretary for each territory, who shall reside within the Territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the president. In case of the death, removal, resignation, or absence of the governor from the territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence, or until another governor is appointed and qualified.

SEC. 1844. The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within thirty days after the end of each session thereof, to the president, and two copies of the laws, within like time, to the president of the senate, and to the speaker of the house of representatives, for the use of congress. He shall transmit one copy of the executive proceedings and official correspondence semi-annually, on the first day of January and July in each year, to the president. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy thereof to the public printer of the territory, within ten days after the passage of each act.

And hereafter it shall be the duty of the secretary of each territory to furnish estimates in detail for the lawful expenses thereof, to be presented to the secretary of the treasury on or before the first day of October of every year. [*Part of Act approved June 20, 1874.*]

And it shall be the duty of the secretary of each of the territories of the United States to furnish the surveyor-general of the territory, for the use of the United States, a copy duly certified of every act of the legislature of the territory, incorporating any city or town, the same to be forwarded by such secretary to the surveyor-general within one month from the date of its approval. [*Part of act approved March 3, 1877.*]

SEC. 1845. From and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the governors of the several territories shall be three thousand five hundred

dollars, and the salaries of the secretaries shall be two thousand five hundred dollars each.

SEC. 1846. The legislative power in each territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years and the sessions of the respective legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of the commencement of its regular sessions. The members of the council and of the house of representatives shall reside in the district or county for which they are respectively elected. * * * [See U. S. Statutes at Large, 45th Congress, 2d Session, chapter 329, p. 193. Approved June 19, 1878.]

“From and after the adjournment of the next session of the several territorial legislatures the council of each of the territories of the United States shall not exceed twelve members, and the house of representatives of each shall not exceed twenty-four members, and the members of each branch of the said several legislatures shall receive a compensation of four dollars per day each during the sessions provided by law, and shall receive such mileage as the law provides; and the president of the council and the speaker of the house of representatives shall each receive six dollars per day for the same time. And the several legislatures at their next sessions are directed to divide their respective territories into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population, except “Indians not taxed;” *provided*, the number of council districts shall not exceed twelve, and the representative districts shall not exceed twenty-four in any one of said territories, and all parts of sections eighteen hundred and forty-seven, eighteen hundred and forty-nine, eighteen hundred and fifty-three, and nineteen hundred and twenty-two, of the Revised Statutes of the United States, in conflict with the provisions herein are repealed.”

“That the subordinate officers of each branch of said territorial legislatures shall consist of one chief clerk, who shall receive a compensation of six dollars per day; one enrolling and engrossing clerk, at five dollars per day; sergeant-at-arms and doorkeeper, at five dollars per day; one messenger and watchman, at four dollars per day each; and one chaplain, at one dollar and fifty cents per day. Said sums shall be paid only during the sessions of said legislatures; and no greater number of officers or charges per diem shall be paid or allowed by the United States to any territory. And section eighteen hundred and six-

ty-one of the Revised Statutes is hereby repealed, and this substituted in lieu thereof; *provided*, that for the performance of all official duties imposed by the territorial legislatures, and not provided for in the organic act, the secretaries of the territories respectively shall be allowed such fees as may be fixed by the territorial legislatures. And in no case shall the expenditure for public printing in any of the territories exceed the sum of two thousand five hundred dollars for any one year."

SEC. 1847. Previous to the first election for members of the legislative assembly of a territory in which congress may hereafter provide a temporary government, the governor shall cause a census of the inhabitants and qualified voters of the several counties and districts of the territory to be taken by such persons and in such mode as he may designate and appoint, and the persons so appointed shall receive a reasonable compensation for their services. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the governor may direct, and he shall at the same time declare the number of members of the council and house of representatives to which each of the counties and districts is entitled under the act providing such temporary government for the particular territory. The persons having the highest number of legal votes in each of the districts for members of the council shall be declared by the governor to be duly elected to the council, and the persons having the highest number of legal votes for the house of representatives shall be declared by the governor to be duly elected members of that house; but in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the legislative assembly, the governor shall order a new election, and the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor appoints.

SEC. 1848. After such first election, however, the time, place and manner of holding elections by the people in any newly-created territory, as well as of holding all such elections in territories now organized, shall be prescribed by the laws of each territory.

[Section 1849 repealed. See laws U. S. 1878, page 193. See section 1846, *ante*.]

SEC. 1850. All laws passed by the legislative assembly and governor of any territory, except in the territories of Colorado, Dakota, Idaho, Montana and Wyoming, shall be

submitted to congress, and if disapproved, shall be null and no effect.

SEC. 1851. The legislative power of every territory shall extend to all rightful subjects of legislation not inconsistent with the constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

SEC. 1852. The sessions of the legislative assemblies of the several territories of the United States shall be limited to sixty days' duration. [Approved December 23, 1880.]

[Section 1853 repealed. See laws U. S. 1878, page 193. See *ante* Sec. 1846.]

SEC. 1854. No member of the legislative assembly of any territory now organized shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly in any territory hereafter organized; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of any territory. The exception of postmasters shall not apply in the territory of Washington.

SEC. 1855. No law of any territorial legislature shall be made or enforced by which the governor or secretary of a territory, or the members or officers of any territorial legislature are paid any compensation other than that provided by the laws of the United States.

SEC. 1856. Justices of the peace and all general officers of the militia in the several territories shall be elected by the people in such manner as the respective legislatures may provide by law. [See *addendum*, Sec. 1857.]

SEC. 1857. All township, district and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of each territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each territory, shall ap-

point; but, in the first instance, where a new territory is hereafter created by congress, the governor alone may appoint all the officers referred to in this and the preceding section, and assign them to their respective townships, districts and counties; and the officers so appointed shall hold their offices until the end of the first session of the legislative assembly.

AN ACT RELATING TO JUSTICES OF THE PEACE IN THE TERRITORIES. APPROVED APRIL 16, 1880.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when from any cause there shall be a vacancy in the office of justice of the peace in any of the territories of the United States, it shall be lawful to fill such vacancy by appointment or election, in such manner as has been or may be provided by the governor and legislative assembly of such territory; *provided, That* such appointee, or person elected to fill such vacancy, shall hold office only until his successor shall be regularly elected and qualified as provided by law.

SEC. 1858. In any of the territories, whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which under the organic act of any territory is to be filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council.

SEC. 1859. Every male citizen above the age of twenty-one, including persons who have legally declared their intention to become citizens in any territory hereafter organized, and who are actual residents of such territory at the time of the organization thereof, shall be entitled to vote at the first election in such territory, and to hold any office therein; subject, nevertheless, to the limitation specified in the next session.

SEC. 1860. At all subsequent elections, however, in any territory hereafter organized by congress, as well as at all elections in territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the legislative assembly of each territory; subject, nevertheless, to the following restrictions on the power of the legislative assembly, namely:

First. The right of suffrage and of holding office shall

be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such, and have taken an oath to support the constitution and government of the United States.

Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color or previous condition of servitude.

Third. No officer, soldier, seaman, mariner or other person in the army or navy, or attached to troops in the service of the United States, shall be allowed to vote in any territory, by reason of being on service therein, unless such territory is and has been for the period of six months his permanent domicile.

Fourth. No person belonging to the army or navy shall be elected to or hold any civil office or appointment in any territory.

[Section 1861 repealed. See U. S. laws, 1878, page 192.]

SEC. 1862. Every territory shall have the right to send a delegate to the house of representatives of the United States, to serve during each congress, who shall be elected by the voters in the territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such delegate shall have a seat in the house of representatives, with the right of debating, but not of voting.

SEC. 1863. The first election of a delegate in any territory for which a temporary government is hereafter provided by congress, shall be held at the time and places and in the manner the governor of such territory may direct, after at least sixty days' notice, to be given by proclamation; but at all subsequent elections therein, as well as at all elections for a delegate in organized territories, such time, places and manner of holding the election shall be prescribed by the law of each territory.

SEC. 1864. The supreme court of every territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the territory for which they are respectively appointed.

SEC. 1865. Every territory shall be divided into three judicial districts; and a district court shall be held in each district of the territory by one of the justices of the supreme court, at such time and place as may be prescribed by law; and each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 1866. The jurisdiction, both appellate and original, of the courts provided for in section nineteen hundred and seven and nineteen hundred and eight, shall be limited by law.

SEC. 1867. No justices of the peace in any territory shall have jurisdiction of any case in which the title to land, or the boundary thereof, in anywise comes in question.

SEC. 1868. The supreme court and the district courts, respectively, of every territory, shall possess chancery as well as common law jurisdiction.

[See page 33, 43d congress, 1st session.]

AN ACT CONCERNING THE PRACTICE IN TERRITORIAL COURTS,
AND APPEALS THEREFROM.

WHEREAS, By the organic acts establishing several of the territories of the United States, it is provided that certain courts thereof shall have common law and chancery jurisdiction, and doubts have been entertained whether said jurisdictions must be exercised separately, or whether they may be exercised together in the same proceeding, and whether the codes and rules of practice adopted in said territories which have authorized a mingling of said jurisdictions in the same proceeding, or a uniform course of proceeding in all cases legal and equitable, are repugnant to the said organic acts respectively: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be necessary in any of the courts of the several territories of the United States to exercise separately the common law and chancery jurisdictions vested in said courts; and that the several codes and rules of practice adopted in said territories respectively, in so far as they authorize a mingling of said jurisdictions or a uniform course of proceeding in all other cases whether legal or equitable, be confirmed; and that all proceedings heretofore had or taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding, be, and the same are hereby validated and confirmed; *provided*, That no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law.

SEC. 2. That the appellate jurisdiction of the supreme court of the United States over the judgments and decrees of said territorial courts in cases of trial by jury shall be exercised by writ of error, and in all cases by appeal according to such rules and regulations as to form and modes of proceeding as the said supreme court have prescribed or may hereafter prescribe; *provided*, That an appeal, instead of the evidence at large, a statement of the facts of the case in the nature of a special verdict, and also the rulings of the court on the admission or rejection of evidence when excepted to, shall be made and certified by the court below, and transmitted to the supreme court, together with the transcript of the proceedings and judgment or decree; but no appellate proceedings in said supreme court, heretofore taken upon any such judgment or decree, shall be invalidated by reason of being instituted by writ of error or by appeal; *and provided further*, That the appellate court may make an order in any case heretofore appealed, which may be necessary to save the rights of the parties; and that this act shall not apply to cases now pending in the supreme court of the United States where the record has already been filed. [Approved April 7, 1874.]

SEC. 1869. Writs of error, bills of exception, and appeals shall be allowed, in all cases, from the final decisions of the district courts to the supreme court of all the territories, respectively, under such regulation as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in that court.

SEC. 1870. The supreme court of each territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed.

SEC. 1871. Each judge of the supreme court of the respective territories shall designate and appoint one person as clerk of the district over which he presides, where one is not already appointed, and shall designate and retain but one such clerk where more than one is already appointed, and only such district clerk shall be entitled to a compensation from the United States.

SEC. 1872. Every district clerk shall also be the register in chancery, and shall reside and keep his office at the place where the court is held.

SEC. 1873. Temporarily, and until otherwise provided by law, the governor of every territory which may be hereafter established shall define by proclamation, the judicial districts of such territory, and assign the judges appointed for such

territory to the several districts, as well as fix the times and places for holding courts in the respective counties or subdivisions of each judicial district.

SEC. 1874. The judges of the supreme court of each territory are authorized to hold court within their respective districts, in the counties wherein, by the laws of the territory, courts have been or may be established, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party; but the expense of holding such courts shall be paid by the territory, or by the counties in which the courts are held, and the United States shall in no case be chargeable therewith.

SEC. 1875. There shall be appointed in each territory a person learned in the law, to act as attorney for the United States. He shall continue in office for four years, and until his successor is appointed and qualified, unless sooner removed by the president.

SEC. 1876. There shall be appointed a marshal for each territory. He shall execute all process issuing from the territorial courts when exercising their jurisdiction as circuit and district courts of the United States. He shall have the power and perform the duties, and be subject to the regulations and penalties, imposed by law on the marshals for the several judicial districts of the United States. He shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the president.

SEC. 1877. The governor, secretary, chief justice, and associate justices, attorney, and marshal of every territory shall be nominated and, by and with the advice and consent of the senate, appointed by the president.

SEC. 1878. The governor and secretary for each territory shall, before they act as such, respectively take an oath before the district judge, or some justice of the peace in the limits of the territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the chief justice or some associate justice of the supreme court of the United States, to support the constitution of the United States and faithfully to discharge the duties of their respective offices; and such oaths shall be certified by the person before whom the same are taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the territory who may be duly commissioned and quali-

fied, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new territory, as well as in all organized territories, the like oath shall be taken, certified, and recorded in such manner and form as may be prescribed by the law of each territory.

Hereafter payment of salaries of all officers of the territories of the United States, appointed by the president, shall commence only when the person appointed to any such office shall take the proper oath and shall enter upon the duties of such office in such territory. And said oath shall hereafter be administered in the territory in which such office is held. [*Part of act approved May 1, 1876.*]

SEC. 1879. The annual salary of the chief justice and associate justices of all the territories now organized shall be three thousand dollars each.

SEC. 1880. The salary of the attorney of the United States for each territory shall be at the rate of two hundred and fifty dollars annually.

SEC. 1881. The salary of the marshal of the United States for each territory shall be at the rate of two hundred dollars a year.

SEC. 1882. The salaries provided for in this title, to be paid to the governor, secretary, chief justices and associate justices, district attorney, and marshal of the several territories, shall be paid quarter-yearly at the treasury of the United States.

SEC. 1883. The fees and costs to be allowed to the United States attorneys and marshal, to the clerks of the supreme and district courts, and to jurors, witnesses, commissioners, and printers, in the territories of the United States, shall be the same for similar services by such persons as prescribed in chapter sixteen, title "The Judiciary," and no other compensation shall be taxed or allowed.

SEC. 1884. When any officer of the territory is absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the president, who shall officially certify his opinion of such cause to the proper accounting officer of the treasury, to be filed in his office.

SEC. 1885. The legislative assembly of every territory hereafter organized shall hold its first session at such time and place in the territory as the governor thereof shall appoint and direct; and at the first session of the legislative assembly, or as soon thereafter as it may be deemed expedient, the governor and

legislative assembly shall proceed to locate and establish the seat of government for the territory at such place as they may think proper; but such place shall thereafter be subject to be changed by the governor and legislative assembly.

SEC. 1886. All accounts for disbursements in the territories of the United States, of money appropriated by congress for the support of government therein, shall be settled and adjusted at the treasury department; and no act, resolution or order of the legislature of any territory directing the expenditures of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the accounting officers of the treasury. No payment shall be made or allowed, unless the secretary of the treasury has estimated therefor and the object been approved by congress. No session of the legislature of a territory shall be held until the appropriation for its expenses has been made.

SEC. 1887. Hereafter no expense for printing exceeding four thousand dollars, including printing laws, journals, bills and necessary printing of the same nature, shall be incurred for any session of the legislature of any of the territories.

SEC. 1888. No legislative assembly of a territory shall, in any instance or under any pretext, exceed the amount appropriated by congress for its annual expenses.

SEC. 1889. The legislative assemblies of the several territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing and other industrial pursuits, or the construction or operation of railroads, wagon-roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable or scientific association. [See chap. 168, p. 101, U. S. statutes at large, 45th congress, 2d session.]

"The words 'the legislative assemblies of the several territories shall not grant private charters or especial privileges' in section eighteen hundred and eighty-nine of the revised statutes of the United states shall not be construed as prohibiting the legislative assemblies of the several territories of the United States from creating towns, cities or other municipal corporations, and providing for the government of the same, and conferring upon them the corporate powers and privileges necessary to their local administration, by either general or special acts; and that all general or special acts of such legislative assemblies heretofore passed creating and providing for the government of towns, cities or other municipal corporations, and conferring such rights, powers and privileges upon the same, as were necessary to their

local administration, be, and the same are hereby ratified and confirmed and declared to be valid, any law to the contrary notwithstanding; subject, however, to amendment or repeal hereafter by such territorial assemblies. But nothing herein shall have the effect to create any private right, except that of holding and executing municipal offices, or to divest any such right, or to make valid or invalid any contract or obligation heretofore made by or on behalf of any such town, city or other municipal corporation, or to authorize any such corporation to incur hereafter any debt or obligation other than such as shall be necessary to the administration of its internal affairs." [Approved June 8, 1878.]

SEC. 1890. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any territory, during the existence of the territorial government, of a greater value than fifty thousand dollars; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existed vested rights in real estate shall not be impaired by the provisions of this section.

SEC. 1891. The constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized territories, and in every territory hereafter organized, as elsewhere within the United States.

SEC. 1892. Any penitentiary which has been or may hereafter be, erected by the United States in an organized territory shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States for the territory or district in which such penitentiary is situated; except as otherwise provided in the case of the penitentiaries in Montana, Idaho, Wyoming and Colorado.

SEC. 1893. The attorney-general of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and of his deputies for their services under such regulations shall be fixed by the attorney-general.

SEC. 1894. The compensation as well as the expense incident to the subsistence and employment of offenders against the laws of the United States, who have been or may hereafter be sentenced to imprisonment in such penitentiary, shall be chargeable on and payable out of the fund for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but

nothing herein shall be construed to increase the maximum compensation now allowed by law to those officers.

SEC. 1895. Any person convicted by a court of competent jurisdiction in a territory for a violation of the laws thereof, and sentenced to imprisonment, may, at the cost of such territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offense against the laws of the United States.

That the legislative assemblies of the several territories of the United States may make such provision for the care and custody of such persons as may be convicted of crime under the laws of such territory as they shall deem proper, and for that purpose may authorize and contract for the care and custody of such convicts in any other territory or state, and provide that such person or persons may be sentenced to confinement accordingly, in such other territory or state, and all existing legislative enactments of any of the territories for that purpose are hereby legalized; *provided*, That the expenses of keeping such prisoners shall be borne by the respective territories, and no part thereof shall be borne by the United States. [*Part of act approved June 16, 1880.*]

CHAPTER II.

OF PROVISIONS CONCERNING PARTICULAR ORGANIZED TERRITORIES.

SEC. 1905. The elections in the territories of Washington and Idaho for delegates to the house of representatives shall be held biennially on the Tuesday next following the first Monday in November; and all elective territorial, county and precinct officers shall hereafter be elected at the times herein specified, unless otherwise provided by legislation subsequent hereto, in either of such territories.

SEC. 1906. The delegate to the house of representatives from each of the territories of Washington, Idaho and Montana must be a citizen of the United States.

SEC. 1907. The judicial power in New Mexico, Utah, Washington, Colorado, Dakota, Idaho, Montana and Wyoming, shall be vested in a supreme court, district courts, probate courts, and in justices of the peace.

SEC. 1911. Writs of error and appeals from the final

decisions of the supreme court of Washington territory shall be allowed and may be taken to the supreme court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of any other competent witness, exceeds two thousand dollars; and such writs of error and appeals shall be allowed, in all cases, where the constitution of the United States, or a treaty thereof, or acts of congress are brought in question; and each of the district courts shall have the same jurisdiction in all cases arising under the constitution of the United States and the laws of the territory, as is vested in the circuit and district courts of the United States; but writs of error and appeals in all such cases may be had from the district courts to the supreme court of the territory, as in other cases.—[See *ante addendum*, Sec. 1868.]

SEC. 1912. The supreme and district courts of each territory, and the respective judges thereof, except for Idaho and Montana, may grant writs of *habeas corpus* in all cases in which the same are grantable by the judges of the United States in the District of Columbia.

SEC. 1913. The legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona and Wyoming territories, respectively, may organize, alter or modify the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

SEC. 1917. The district court for the several districts in the territory of Washington shall be held at such times and places in the districts, not exceeding three places in each district, as the legislative assembly of that territory may by law determine; but until the legislative assembly otherwise provides, the courts shall be held as provided by law on the ninth of February, eighteen hundred and sixty-three.

SEC. 1918. The legislative assemblies of New Mexico, Washington, Colorado, Dakota, Arizona and Wyoming territories may assign the judges appointed for such territories, respectively, to the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

[Section 1922 repealed. See U. S. laws 1878, page 193.]

SEC. 1923. In each of the territories of Washington, Idaho and Montana, the governor shall have power to call the legislative assembly together by proclamation, on an extraordinary occasion, at any time.

SEC. 1924. In addition to the restrictions upon the legislative power of the territories contained in the preceding chapter, sec-

tion eighteen hundred and fifty-one, the legislative assembly of Washington shall have no power to incorporate a bank or any institution with banking powers, or to borrow money in the name of the territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly. No charter granting any privileges of making, issuing or putting into circulation any notes or bills in likeness of bank-notes, or any bonds, scrip, drafts, bills of exchange or obligations, or granting any other banking powers or privileges, shall be passed by the legislative assembly; nor shall the establishment of any branch or agency of any such corporation, derived from other authority, be allowed in the Territory; nor shall the legislative assembly authorize the issue of any obligation, scrip or evidence of debt by the territory, in any mode or manner whatever, except certificate for service to the territory. And all taxes shall be equal and uniform, and no distinctions shall be made in the assessments between different kinds of property, but the assessments shall be according to the value of the property. To avoid improper influences which may result from intermixing in the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

SEC. 1926. Justices of the peace in the territories of New Mexico, Uta, Washington, Dakota, Idaho, Montana and Wyoming, shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds one hundred dollars.

SEC. 1933. Each clerk of a district court in Washington territory shall exercise the powers now provided by law for the clerk of the supreme court of the territory, and be subject to all provisions of law not inconsistent with this act, applicable to the clerk of such supreme court.

SEC. 1938. There shall be appropriated, annually, fifteen hundred dollars for Washington territory, to be expended in like manner and for like purposes as specified in section nineteen hundred and thirty-five.

SEC. 1940. There shall be appropriated, respectively, for the territories of Washington, Idaho and Montana, annually, a sufficient sum, to be expended by the secretary of each territory herein named, upon an estimate to be made by the secretary of the treasury, to defray the expenses of the legislative assembly and other incidental expenses. The governor and secretary of each territory above specified shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the secretary of the treasury, and shall, semi-annually, account to such secretary for the manner in which such sums of money have been expended.

SEC. 1941. No payment of salary shall be made to the governor, secretary, chief justice and associate justices of Washington, Idaho and Montana territories until such officers have entered upon the duties of their respective appointments.

SEC. 1942. The members of the legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona and Wyoming territories shall each receive three dollars for every 'twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

SEC. 1944. The seat of government of the territories of New Mexico, Utah, Washington, Colorado, Dakota, Arizona and Wyoming may be changed by the governors and legislative assemblies thereof respectively.

SEC. 1947. Sections numbered sixteen and thirty-six in each township of Washington territory shall be reserved for the purpose of being applied to common schools in that territory. In all cases where sections sixteen and thirty-six, or either or any of them, are occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which such sections so occupied are situated are authorized to locate other lands to an equal amount, in sections or fractional sections, as the case may be, within their respective counties, in lieu of the sections so occupied.

SEC. 1950. The state of Oregon and the territory of Washington shall have concurrent jurisdiction over all offenses committed on the Columbia river, where that river forms a common boundary between the state and territory.

SEC. 1951. All officers to be appointed by the president, by and with the advice and consent of the senate, for the territories of Washington, Idaho and Montana, who, by virtue of the provisions of any law now existing, or which may be enacted by congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the secretary of the treasury may prescribe.

SEC. 1952. The laws now in force in the territory of Washington, by virtue of the legislation of congress in reference to Oregon, when that state was a territory, which were enacted and passed subsequent to the first day of September, eighteen hundred and forty-eight, applicable to the territory of Washington, together with the legislative enactments of Oregon, while a territory, enacted and passed prior to March 2, 1853, and not inconsistent with the provisions of this title, and applicable to the territory of Washington, are continued in force in that territory until repealed or amended

by future legislation, unless such laws have been repealed or amended by legislation subsequent to the second day of March, eighteen hundred and fifty-three.

SEC. 1953. The libraries heretofore purchased by appropriations of congress for the territories of Utah and Washington, shall be kept at the respective seats of government of those territories for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of each territory, and such other persons and under such regulations as may be prescribed by law.

CHAPTER III.

ACTS OF CONGRESS APPLICABLE TO THE TERRITORIES.

CHAP. 114.—An act to protect all citizens in their civil and legal rights.

WHEREAS, It is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, public conveyances on land or water, theaters and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recov-

ered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year; *provided*, that all persons may elect to sue for the penalty aforesaid, or to proceed under their rights at common law and by state statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any state; and *provided further*, that a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several states, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party; and the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States, or territorial court, as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases; *provided*, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise; and any district attorney who shall willfully fail to institute and prosecute the proceedings herein required, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action of debt, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than one thousand nor more than five thousand dollars: *and pro-*

vided further, That a judgment for the penalty in favor of the party aggrieved against any such district attorney, or a judgment upon an indictment against any such district attorney, shall be a bar to either prosecution respectively.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any state, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall on conviction thereof be deemed guilty of a misdemeanor, and be fined not more than five thousand dollars.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the supreme court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court. [Approved March 1, 1875.]

CHAP. 37.—An act to make persons charged with crimes and offenses competent witnesses in the United States and territorial courts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses, and misdemeanors, in the United States courts, territorial courts and courts-martial, and courts of inquiry in any state or territory, including the District of Columbia, the person so charged shall, at his own request, but not otherwise, be a competent witness. And his failure to make such request shall not create any presumption against him. [Approved March 16, 1878.]

CHAPTER IV.

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare an oath, before a circuit or dis-

strict court of the United States, or a district or supreme court of the territories, or a court of record of any of the states having common-law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is bona-fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state or sovereignty; and, particularly, by name, to the prince, potentate, state or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of good moral character, attached to the principles of the constitution the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the state or territory where such court is at the time held, and on his declaring on oath that he will support the constitution of the United States, and that he absolutely and

entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and, particularly, by name, to the prince, potentate, state or sovereignty whereof he was before a citizen or subject; and, also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien applying for admission to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Sixth. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth (together with the names of such citizens, in the record of the court) admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the declaration of intention to become a citizen of the United

States required by section two thousand one hundred and sixty-five of the revised statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.

SEC. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist in the armies of the United States, either the regular or volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person having been honorably discharged from the service of the United States.

SEC. 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that for two years next preceding it has been his bona-fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

SEC. 2168. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

SEC. 2169. The provisions of this title shall apply to

aliens (being free white persons, and to aliens) of African nativity and to persons of African descent.

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, state or sovereignty with which the United States are at war at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the territories thereof, on the eighteenth day of June in the year one thousand eight hundred and twelve, who had before that day made a declaration according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies, at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject by the government of the United States may have become citizens of any one of the states, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain during the revolutionary war, shall be admitted to become a citizen without the consent of the legislature of the state in which such person was proscribed.

SEC. 2173. The police court of the District of Columbia shall have no power to naturalize foreigners.

SEC. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any

competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such a citizen.

That if any timber cut on the public lands shall be exported from the territories of the United States, it shall be liable to seizure by United States authority, wherever found. [Part of Act approved April 30, 1878.]

Resolved, etc., That the secretary of war is hereby authorized to cause to be issued to the territories, and the states bordering thereon, such arms as he may deem necessary for their protection, not to exceed one thousand to said states each; *provided*, that such issues shall only be from arms owned by the government, which have been superseded and no longer issued to the army; *provided, however*, that said arms shall be issued only in the following manner and upon the following conditions, namely: Upon the requisition of the governors of said states or territories, showing the absolute necessity of arms for the protection of the citizens and their property against Indian raids into said states or territories; also that militia companies are regularly organized and under control of the governors of said states or territories, to whom said arms are to be issued, and that said governor or governors shall give a good and sufficient bond for the return of said arms, or the payment of the same at such time as the secretary of war may designate. [Resolution approved July 3, 1876.]

Resolved, etc., That the joint resolution approved July third, eighteen hundred and seventy-six, authorizing the secretary of war to issue arms to the territories and the states bordering thereon, be and the same is hereby amended by inserting after the words "each of said territories," the words "and ammunition for the same, not to exceed fifty ball cartridges for each arm. [Approved March 3, 1877.]

Be it enacted, etc., That a joint resolution approved July third, eighteen hundred and seventy-six, entitled "Joint resolution authorizing the secretary of war to issue arms," be amended as follows: By inserting in the fifth line, after the word "states," and before the word "each," the words "and territories," and by striking out after the word "each," in said fifth line, and before the word "provided," in sixth line, the words "and not more than five hundred to each of said territories; *provided*, that the quota to the states now authorized by law shall not hereby be diminished. [Approved May 16, 1878.]

Be it resolved, etc., That the secretary of war is hereby authorized to cause to be issued to each of the territories of the United States (in addition to arms and ammunition, the issue of which has been heretofore provided for) such arms, not to exceed one thousand in number, as he may deem necessary, and ammunition for the same, not to exceed fifty ball cartridges for each arm; *provided*, that such issue shall be only from arms owned by the government of the United States which have been superseded and no longer issued to the army; *and provided further*, that said arms shall be issued only in the following manner and upon the following conditions, namely: Upon the requisition of the governors of said territories, showing the absolute necessity for arms for the protection of citizens and their property against hostile Indians within, or of Indian raids into such territories; *and provided further*, that the said governor or governors of said territories to whom the said arms may be issued, shall give good and sufficient bond or bonds for the return of said arms, or payment therefor, at such time as the secretary of war may designate, as now provided for by law. [Approved June 7, 1878.]

Be it enacted, etc., That all inclosures of any public lands in any state or territory of the United States, heretofore or to be hereafter made, erected or constructed by any person, party, association or corporation, to any of which land included within the inclosure the person, party, association or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States, at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction or control of any such inclosure is hereby forbidden and prohibited; and the assertion

of a right to the exclusive use and occupancy of any part of the public lands of the United States, in any state or any of the territories of the United States, without claim, color of title or asserted right as above specified as to inclosure, is likewise declared unlawful and hereby prohibited.

SEC. 2. That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section one of this act is being violated, showing a description of the land enclosed with reasonable certainty, not necessarily by meets and bounds, nor by governmental subdivisions of surveyed lands, but only so that the enclosure may be identified, and the persons guilty of the violation, as nearly as may be, and by description if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district or circuit court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of, as defendants; and jurisdiction is also hereby conferred on any United States district or circuit court or territorial district court having jurisdiction over the locality where the land enclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employe having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing or trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the enclosure shall be found to be unlawful, the court shall make the proper order, judgment or decree for the destruction of the inclosure in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

SEC. 3. That no person by force, threats intimidation or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands; *provided*, this section shall not be held to affect the right or

title of persons who have gone upon, improved or occupied said lands under the land laws of the United States, claiming title thereto in good faith.

SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, agent, or who shall aid, abet, counsel, advise or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding one thousand dollars and be imprisoned not exceeding one year for each offense.

SEC. 5. That the president is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force, as may be necessary for that purpose.

SEC. 6. That where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this act without authority from the secretary of the interior.

SEC. 7. That nothing herein shall affect any pending suits to work their discontinuance, but as to them hereafter they shall be prosecuted and determined under the provisions of this act. [Approved February 25, 1885.]

Be it enacted, etc., That no appeal or writ of error shall hereafter be allowed from any judgment or decree in any suit at law or in equity in the supreme court of the District of Columbia, or in the supreme court of any of the territories of the United States, unless the matter in dispute, exclusive of costs, shall exceed the sum of five thousand dollars.

SEC. 2. That the preceding section shall not apply to any case wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States; but in all such cases an appeal or writ of error may be brought without regard to the sum or value in dispute. [Approved March 3, 1885.]

Be it enacted, etc., That no lands granted to any railroad corporation by any act of congress shall be exempt from taxation by states, territories and municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed; *provided*, that any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting and conveying, to be paid in such manner by the purchaser as the secretary of the interior may by rule

provide, and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands; *provided further*, that this act shall apply only to lands situated opposite to and co-terminous with completed portions of said roads, and in organized counties; *provided further*, that at any sale of lands under the provisions of this act, the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

SEC. 2. That if any railroad corporation required by law to pay the costs of surveying, selecting or conveying any lands granted to such company or for its use and benefit by act of congress, shall for thirty days neglect or refuse to pay any such costs after demand for payment thereof by the secretary of the interior, he shall notify the attorney-general, who shall at once commence proceedings to collect the same. But when any sum shall be collected of such railroad company as costs of surveying, selecting and conveying any tract of land which shall have been purchased under the provisions of section one hereof, the secretary of the interior shall, out of such collections, reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the costs of such surveying, selecting and conveying.

SEC. 3. That this act shall not affect the right of the government to declare or enforce a forfeiture of any lands so granted; but all the rights of the United States to said lands or to any interest therein shall be and remain as if this act had not passed, except as to the lien mentioned in the first section hereof.

SEC. 4. That section twenty-one of chapter two hundred and sixteen, approved July second, eighteen hundred and sixty-four, is hereby so amended as that the costs of surveying, selecting and conveying therein required to be paid shall become due and payable at and on the demand therefor made by the secretary of the interior, as provided in section two of this act, and nothing in this act shall be construed or taken in anywise to affect or impair the right of congress at any time hereafter further to alter, amend or repeal the said act, as in the opinion of congress, justice or the public welfare may require, or to impair or waive any right or remedy in the premises now existing in favor of the United States. This act shall be subject to alteration, amendment or repeal. [Approved July 10, 1886.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legislatures of the Territories of the United States now or hereafter to be organized shall not pass local or special laws in any of the following enumerated cases, that is to say:

Granting divorces.

Changing the names of persons or places.

Laying out, opening, altering, and working roads or highways.

Vacating roads, town plats, streets, alleys and public grounds.

Locating or changing county seats.

Regulating county and township affairs.

Regulating the practice in courts of justice.

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables.

Providing for changes of venue in civil and criminal cases.

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city or village.

For the punishment of crimes or misdemeanors.

For the assessment and collection of taxes for Territorial, county, township or road purposes.

Summoning and empaneling grand or petit jurors.

Providing for the management of common schools.

Regulating the rate of interest on money.

The opening and conducting of any election or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries or toll bridges.

Remitting fines, penalties, or forfeitures.

Creating, increasing, or decreasing fees, percentage, or allowances of public officers during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the territories of the United States by the territorial legislatures thereof.

SEC. 2. That no territory of the United States now or hereafter to be organized, or any political or municipal corporation or sub-division of any such territory, shall hereafter make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of

any such company or association, or borrow any money for the use of any such company or association.

SEC. 3. That no law of any territorial legislature shall authorize any debt to be contracted by or on behalf of such territory except in the following cases: To meet a casual deficit in the revenues, to pay the interest upon the territorial debt, to suppress insurrections, or to provide for the public defence, except that in addition to any indebtedness created for such purposes, the legislature may authorize a loan for the erection of penal, charitable or educational institutions for such territory, if the total indebtedness of the territory is not thereby made to exceed one per centum upon the assessed value of the taxable property in such territory as shown by the last general assessment for taxation. And nothing in this act shall be construed to prohibit the refunding of any existing indebtedness of such territory or of any political or municipal corporation, county or other sub-division therein.

SEC. 4. That no political or municipal corporation, county or other sub-division in any of the territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding four per centum on the value of the taxable property within such corporation, county or sub-division, to be ascertained by the last assessment for territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void; that nothing in this act contained shall be so construed as to effect the validity of any act of any territorial legislature heretofore enacted, or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds already contracted for in pursuance of express provisions of law; nor to prevent the territorial legislature from legalizing the acts of any county, municipal corporation or sub-division of any territory as to any bonds heretofore issued or contracted to be issued.

SEC. 5. That section eighteen hundred and eighty-nine, title twenty-three, of the Revised Statutes of the United States be amended to read as follows:

"The legislative assemblies of the several territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, and for conducting the business of insurance, banks of discount and deposit (but not

of issue) loan, trust and guarantee associations, and for the construction or operation of railroads, wagon roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable or scientific association.

SEC. 6. That nothing in this act contained shall be construed to abridge the power of congress to annul any law passed by a territorial legislature, or to modify any existing law of congress requiring in any case that the laws of any territory shall be submitted to congress.

SEC. 7. That all acts and parts of acts hereafter passed by any territorial legislature in conflict with the provisions of this act shall be null and void. [Approved July 30, 1886.]

Be it enacted, etc., That the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools and in the military and naval schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of text-books in the hands of pupils where other branches are thus studied in said schools and by all pupils in all said schools throughout the territories, in the military and naval academies of the United States and in the District of Columbia, and in all Indian and colored schools in the territories of the United States.

SEC. 2. That it shall be the duty of the proper officers in control of any school described in the foregoing section to enforce the provisions of this act; and any such officer, school director, committee, superintendent or teacher, who shall refuse or neglect to comply with the requirements of this act, or shall neglect or fail to make proper provisions for the instruction required, and in the manner specified by the first section of this act, for all pupils in each and every school under his jurisdiction, shall be removed from office and the vacancy filled as in other cases.

SEC. 3. That no certificate shall be granted to any person to teach in the public schools of the District of Columbia or territories, after the first day of January, Anno Domini eighteen hundred and eighty-eight, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature and effects of alcoholic drinks and other narcotics upon the human system. [Approved May 20, 1886.]

Be it enacted, etc., That it shall be unlawful for any person or persons not citizens of the United States, or who have not

lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States, or of some state or territory of the United States, to hereafter acquire, hold or own real estate so hereafter acquired, or any interest therein, in any of the territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created; *provided*, that the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer.

SEC. 2. That no corporation or association more than twenty per centum of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or hold or own any real estate hereafter acquired in any of the territories of the United States or of the District of Columbia.

SEC. 3. That no corporation other than those organized for the construction or operation of railways, canals or turnpikes, shall acquire, hold or own more than five thousand acres of land in any of the territories of the United States; and no railroad, canal or turnpike corporation shall hereafter acquire, hold or own lands in any territory other than as may be necessary for the proper operation of its railroad, canal or turnpike, except such lands as may have been granted to it by act of congress. But the prohibition of this section shall not affect the title to any lands now lawfully held by any such corporation.

SEC. 4. That all property acquired, held or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the attorney-general to enforce every such forfeiture by bill in equity or other proper process. And in any suit or proceeding that may be commenced to enforce the provisions of this act, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness or other matters not affecting the substantial rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in this act mentioned. [Approved March 3, 1887.]

Be it enacted, etc., That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married

woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

SEC. 4. That if any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and no conviction thereof shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

SEC. 5. That if an [unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months or by fine not exceeding one hundred dollars.

SEC. 9. That every ceremony of marriage, or in the nature of a marriage ceremony of any kind, in any of the territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full name of every officer, priest and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest and person taking part in the performance of such ceremony, and shall be by the officer, priest or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be prima facie evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall wilfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

SEC. 10. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose. [Part of act becoming a law March 3, 1887.]

Be it enacted, etc. SEC. 26. That all religious societies, sects and congregations shall have the right to have and to hold through trustees appointed by any court exercising probate powers in a territory, only on the nomination of the authorities of such society, sect or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect or congregation. [Part of act becoming a law March 3, 1887.]

Be it enacted, etc., That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of congress or executive order setting apart the same for their use, the president of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause such reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:

To each head of a family, one-quarter of a section;

To each single person over eighteen years of age, one-eighth of a section;

To each orphan child under eighteen years of age, one-eighth of a section; and

- To each other single person under eighteen years now living, or who may be born prior to the date of the order of the president directing an allotment of the lands embraced in any reservation, one-sixteenth of a section; *provided*, that in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act; *and provided further*, that where the treaty or act of congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the president, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act; *and provided further*, that when the lands allotted are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual.

SEC. 2. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for

each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment in the remainder of the land to which they are entitled under this act; *provided*, that if any one entitled to an allotment shall fail to make a selection within four years after the president shall direct that allotments may be made on a particular reservation, the secretary of the interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patent shall issue in like manner.

SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the president for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the secretary of the interior may from time to time prescribe, and shall be certified by such agents to the commissioner of Indian affairs, in duplicate, one copy to be retained in the Indian office and the other to be transmitted to the secretary of the interior for his action, and to be deposited in the general land office.

SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of congress or executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office of the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for

such fees by the commissioner of the general land office, and a certification of such account to the secretary of the treasury by the secretary of the interior.

SEC. 5. That upon the approval of the allotments provided for in this act by the secretary of the interior, he shall cause patents to issue therefor in the name of the allottees, which patent shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made; or, in case of his decease, of his heirs according to the laws of the state or territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; *provided*, that the president of the United States may in any case in his discretion extend the period. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void; *provided*, that the law of descent and partition in force in the state or territory where such lands are situate shall apply thereto after patents therefor have been executed and delivered, except as herein otherwise provided; and the laws of the state of Kansas regulating the descent and partition of real estate shall, so far as practicable, apply to all lands in the Indian Territory which may be allotted in severalty under the provisions of this act; *and provided further*, that any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the president it shall be for the best interests of said tribe, it shall be lawful for the secretary of the interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by congress, and the form and manner of executing such release shall also be prescribed by congress; *provided, however*, that all lands adapted to agriculture, with or without irrigation, so sold or released to the United States by any Indian tribe shall be held by the United States for the

sole purpose of securing homes to actual settlers, and shall be disposed of by the United States to actual and bona fide settlers only in tracts not exceeding one hundred and sixty acres to any one person, on such terms as congress shall prescribe, subject to grants which congress may make in aid of education; *and provided further*, that no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years' occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void. And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the treasury of the United States for the sole use of the tribe or tribes of Indians, to whom such reservations belonged; and the same, with interest thereon at three per cent. per annum, shall be at all times subject to appropriation by congress for the education and civilization of such tribe or tribes of Indians, or the members thereof. The patents aforesaid shall be recorded in the general land office, and afterward delivered, free of charge, to the allottee entitled thereto. And if any religious society or other organization is now occupying any of the public lands to which this act is applicable, for religious or educational work among the Indians, the secretary of the interior is hereby authorized to confirm such occupation to such society or organization, in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall change or alter any claim of such society for religious or educational purposes heretofore granted by law. And hereafter in the employment of Indian police, or any other employes in the public service among any of the Indian tribes or bands affected by this act, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of this act and become citizens of the United States shall be preferred.

SEC. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the state or territory in which they may reside; and no territory shall pass or enforce any law denying any such Indian within its juris-

diction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property. [Part of act approved February 8, 1887.]

Be it enacted, etc., That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principle and application of agricultural science, there shall be established, under direction of the college or colleges or agricultural department of colleges in each state or territory established, or which may hereafter be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station;" *provided*, that in any state or territory in which two such colleges have been or may be so established the appropriation hereinafter made to such state or territory shall be equally divided between such colleges, unless the legislature of such state or territory shall otherwise direct.

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the

adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective states or territories.

SEC. 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States commissioner of agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act. It shall be the duty of each of said stations, annually, on or before the first day of February, to make to the governor of the state or territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said commissioner of agriculture, and to the secretary of the treasury of the United States.

SEC. 4. That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the states or territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the postmaster-general may from time to time prescribe.

SEC. 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of fifteen thousand dollars per annum is hereby appropriated to each state, to be specially provided for by congress in the appropriations from year to year, and to each territory entitled under the provisions of section eight of this act, out of any money in the treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the first day of January, April, July and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the

first day of October, eighteen hundred and eighty-seven; *provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement or repair of building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

SEC. 6. That whenever it shall appear to the secretary of the treasury, from the annual statement of receipts and expenditures of any of said stations, that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

SEC. 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the states or territories in which they are respectively located.

SEC. 8. That in states having colleges entitled under this section to the benefits of this act, and having also agricultural experiment stations established by law separate from said colleges, such states shall be authorized to apply such benefits to experiments at stations so established by such states; and in case any state shall have established, under the provisions of said act of July second aforesaid, an agricultural department or experimental station in connection with any university, college or institution not distinctively an agricultural college or school, and such state shall have established, or shall hereafter establish, a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such state may apply in whole or in part the appropriation by this act made, to such separate agricultural college or school, and no legislature shall by contract express or implied disable itself from so doing.

SEC. 9. That the grants of moneys authorized by this act are made subject to the legislative assent of the several states and territories to the purposes of said grants; *provided*, That payment of such installments of the appropriation herein made as shall become due to any state before the adjournment of the regular session of its legislature, meeting next after the passage of this act, shall be made upon the assent of the governor thereof, duly certified to the secretary of the treasury.

SEC. 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the treasury to any or all the states or institutions mentioned in this act, but congress may at any time amend, suspend or repeal any or all the provisions of this act. [Approved March 2, 1887.]

—* GENERAL LAWS. *—

L A W S
OF
WASHINGTON TERRITORY,

Enacted at the Eleventh Biennial Session, held in Olympia, the Capital of Washington Territory, commencing Monday, December 5, 1887, and ending Thursday, February 2, 1888.

EUGENE SEMPLE, Governor; N. H. OWINGS, Secretary;
JNO. R. THOMPSON, President of the Council; W.
M. CLARK, Speaker of the House of Representatives.

ACKNOWLEDGMENTS.

CHAPTER I.

AN ACT

TO AMEND SECTION TWENTY-THREE HUNDRED AND NINETEEN (2319)
OF THE CODE OF WASHINGTON TERRITORY, IN RELATION TO
ACKNOWLEDGMENTS.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That section 2319 of the Code of Washing-

ton Territory in relation to acknowledgements be amended so as to read as follows:

Section 2319. Acknowledgments of all deeds, mortgages and other instruments in writing that are required to be acknowledged by any laws of this Territory may be made and taken in any foreign country beyond the limits of the United States, before any minister plenipotentiary, secretary of legation, charge d'affairs, consul general, consul, vice consul or commercial agent appointed by the government of the United States, or before the proper officer of any court of said country, or before the mayor or other chief magistrate of any city, town or other municipal corporation therein.

SEC. 2. This act to take effect after its approval by the Governor.

Approved January 27, 1888.

APPEALS TO DISTRICT COURT.

CHAPTER II.

AN ACT

TO AMEND SECTION 1859, OF CHAPTER CXXXI, OF THE CODE OF WASHINGTON, RELATING TO APPEALS TO THE DISTRICT COURT.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 1859 of the Code of Washington be, and the same is hereby amended so as to read as follows:

Section 1859. Such appeal shall be taken by filing a notice of appeal with the justice, and serving a copy on the adverse party or his attorney, and, unless such appeal be by a county, filing a bond or undertaking, as in the next section provided, within twenty days after the judgment is rendered or the decision made. No appeal, except when such appeals are by a county, shall be allowed in any case, unless a bond or an undertaking shall be executed on the part of the appellant and filed with and approved by the justice, with one or more sureties in the sum of one hundred dollars, to the effect that the appellant will pay all costs that may be awarded against him on the appeal; or if a stay of proceedings before the justice be claimed, except by a county,

a bond or undertaking, with two or more sureties, to be approved by the justice, in a sum equal to twice the amount of the judgment and costs, to the effect that the appellant will pay such judgment, including costs, as may be rendered against him on the appeal.

SEC. 2. This act to take effect and be in force from and after May first, 1888.

Approved January 31, 1888.

APPEALS FROM DIST. COURT.

CHAPTER III.

AN ACT

IN RELATION TO APPEALS FROM THE DISTRICT COURTS OF THIS TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That in all cases where a final judgment or decree shall be rendered by any district court of this Territory in a cause wherein a temporary injunction or restraining order has been granted and the party at whose instance said restraining order or injunction was granted, shall appeal from said judgment or decree to the supreme court of this Territory, such restraining order or injunction shall remain in force until said appeal is finally determined, if said appellant shall cause to be executed before the clerk of the court which rendered such judgment or decree a bond in a sum to be fixed by the court with one or more sureties to be approved by said clerk to the effect that the appellant shall pay to the appellee all costs and damages that may be adjudged against the appellant on the appeal, and all damages and costs which may accrue by reason of said injunction or restraining order.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

APPEALS SUPREME COURT.

CHAPTER IV.

AN ACT

IN RELATION TO APPEALS FROM THE SUPREME COURT OF THIS
TERRITORY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That in all cases where a final judgment or decree shall be rendered by the supreme court of this Territory, in a cause wherein a temporary injunction or restraining order has been granted, and the party at whose instance said restraining order or injunction was granted, shall appeal from said judgment or decree to the supreme court of the United States, such restraining order or injunction shall remain in force until said appeal is finally determined, if said appellant shall cause to be executed before the clerk of the court which rendered such judgment or decree, a bond in a sum to be fixed by the court, with one or more sureties to be approved by said clerk, to the effect that the appellant shall pay to the appellee all costs and damages that may be adjudged against the appellant on the appeal and all damages and costs which may occur by reason of said injunction or restraining order.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

ARSON.

CHAPTER V.

AN ACT

RELATING TO THE CRIME OF ARSON AND TO PROVIDE PUNISHMENT THEREFOR.

Be it enacted by the Legislative Assembly of Washington Territory:

SECTION 1. Every person who shall unlawfully and maliciously set fire to the unoccupied dwelling house owned by himself or by any other person, whereby such unoccupied dwelling house shall be burned or injured by fire, shall be deemed guilty of arson, and on conviction thereof, shall be imprisoned in the penitentiary not more than ten years nor less than one year or in the county jail not more than six months nor less than one month, and be fined in any sum not exceeding one thousand dollars.

SEC. 2. This act shall take effect and be enforced from and after its passage and approval by the Governor.

Approved February 2, 1888.

ARTESIAN WELL.

CHAPTER VI.

AN ACT

APPROPRIATING ONE THOUSAND DOLLARS FOR THE PURPOSE OF SINKING AN ARTESIAN WELL IN YAKIMA COUNTY UPON CONDITION THAT THE COUNTY COMMISSIONERS OF SAID COUNTY APPROPRIATION [APPROPRIATE] A LIKE SUM AND PROVIDING FOR THE DISBURSEMENT THEREOF.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of one thousand dollars be, and

hereby is appropriated out of the general fund of the Territory, for the purpose of sinking an artesian well in Yakima county; *provided*, that the county commissioners of said county appropriate a like amount for such purpose.

SEC. 2. That the county commissioners for the purposes of this act shall be, and are hereby empowered, to appropriate and draw orders upon the treasurer of said county for the said sum of one thousand dollars; said orders to be charged to the general fund of the said county.

SEC. 3. That the county commissioners of the said county shall locate the said well in that portion of the said county known as Horse Heaven.

SEC. 4. That after locating the said well the said commissioners shall advertise for bids to sink said well in accordance with specifications to be adopted by them, and they shall from time to time as the work progresses make an examination thereof, and as each one hundred feet of the well is satisfactorily completed, said commissioners shall certify to the territorial auditor the amount of money due to the contractors, and the said auditor shall thereupon draw warrants from time to time upon the territorial treasurer in favor of the said contractors for one half of such amount, the other half from time to time to be paid by the said county as herein before provided for.

SEC. 5. The condition of the contract obligating the Territory and said county, shall not extend beyond finding flowing water, or in case flowing water is not obtained, beyond an expenditure of the sum hereby appropriated and authorized to be appropriated by the said county except as hereinafter provided for.

SEC. 6. Should the money hereby appropriated and the like amount authorized to be appropriated by the said county be insufficient to sink said well, the said county commissioners are authorized, if they deem it expedient, from time to time to continue said work at the expense of the county.

SEC. 7. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved February 2, 1888.

ATTORNEY GENERAL.

CHAPTER VII.

AN ACT

TO CREATE THE OFFICE OF ATTORNEY GENERAL FOR THE TERRITORY OF WASHINGTON, DEFINE THE DUTIES OF THE OFFICE AND FIX THE COMPENSATION.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the office of attorney-general for the Territory of Washington be, and is hereby created.

SEC. 2. That the attorney-general shall be appointed by the Governor, by and with the advice and consent of the council as soon as may be after the approval of this act, and shall hold his office for the term of two years, and until his successor is appointed and qualified.

SEC. 3. That the person appointed to the office of attorney-general of this Territory shall be learned in the law and shall be a qualified practitioner before the supreme and district courts of this Territory.

SEC. 4. That before entering upon the duties of his office, the attorney-general shall be commissioned by the Governor and shall take the following oath, to wit: "I do solemnly swear (or affirm) that I will support the constitution of the United States, the organic act and laws of Washington Territory, and that I will faithfully and impartially discharge the duties imposed upon me by law to the best of my abilities." He shall also execute a bond to the Territory of Washington in the sum of five thousand dollars, with sureties, to be approved by the Governor, conditioned for the faithful performance of his duties, and the paying over all moneys as provided by law; the bond with his oath of office and approval of the Governor endorsed thereon, shall be forthwith deposited with the Secretary of the Territory.

SEC. 5. Whenever the Governor shall deem any bond filed by the attorney-general insufficient, he may require additional bond, in any penalty not exceeding five thousand dollars; and if any person appointed to the office of attorney-general shall fail to give bond or take the oath required of him, within thirty days after he is appointed, the office shall be deemed vacant, and if being required additional bond as herein provided, he fails to

furnish the same within twenty days after notice of such requirement, his office may, in the discretion of the Governor, be declared vacant and filled as provided by law.

SEC. 6. The duties of the attorney-general shall be:

1st. To appear for and represent the people of the Territory before the supreme court in all cases in which the Territory or the people of the Territory are interested.

2nd. To institute and prosecute all actions and proceedings in favor of, or for the use of the Territory, which may be necessary in the execution of the duties of any territorial officer.

3d. To defend all actions and proceedings against any territorial officer, in his official capacity, in any of the courts of this Territory or the United States.

4th. To consult and advise the several district prosecuting attorneys in matters relating to the duties of their office; and when in his judgment the interest of the people of the Territory require it, he shall attend the trial of any party accused of crime and assist in the prosecution.

5th. To consult with and advise the Governor and other territorial officer, and give, when requested, written opinions upon all legal or constitutional questions relating to the duties of such officers respectively.

6th. To prepare, when necessary, proper drafts for contracts and other writings relating to subjects in which the Territory is interested.

7th. To give written opinions, when requested by either branch of the legislative assembly or committees thereof, upon constitutional or legal questions.

8th. To enforce the proper application of funds appropriated to the public institutions of the Territory and to prosecute corporations for failure or refusal to make the reports required by law.

9th. To keep in proper books a register of all cases prosecuted or defended by him, in behalf of the Territory or its officers, and of all proceedings had in relation thereto, and to deliver the same to his successor in office.

10th. To keep in his office a book in which he shall record all the official opinions given by him during his term of office, which book shall be by him delivered to his successor in office.

11th. To pay into the territorial treasury all moneys received by him for the use of the Territory.

12th. To attend to, and perform any other duties which may, from time to time, be required of him by law.

SEC. 7. It shall be the duty of the attorney-general to prepare and report to the governor and the legislative assembly, at or before the commencement of each biennial session of the leg-

islature, in the manner provided by law, a concise statement of all matters pertaining to his official duties, making such suggestions for lessening the public expenses and promoting frugality in the public offices as shall be deemed expedient and proper.

SEC. 8. The attorney-general shall receive an annual salary of eighteen hundred dollars, payable out of the territorial treasury. He shall also receive the further sum of ten per centum on all money collected and paid into the territorial treasury, upon legal process instituted to enforce the payment of any claim due the Territory for money, property or, damages which per centum, in addition to the other legal costs incident to the procedure, shall, unless otherwise directed by the court, be paid by the party defendant, and allowed as costs in the action.

SEC. 9. This act to take effect and be in force from and after its passage.

Approved January 28, 1888.

ATTORNEY'S FEES.

CHAPTER VIII.

AN ACT

TO REGULATE THE FEES OF ATTORNEYS IN JUDGMENTS ON PROMISSORY NOTES AND SIMILAR INSTRUMENTS IN WRITING.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That in all judgments or promissory notes and similar instruments in writing, whether secured by mortgage or not, an attorney's fee may be allowed when specially contracted to be paid by the terms of the note or mortgage, in any amount so specially contracted.

SEC. 2. All acts, or parts of acts, in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 27, 1888.

BONDS, COUNTY

CHAPTER IX.

AN ACT

AUTHORIZING AND EMPOWERING THE ORGANIZED COUNTIES OF WASHINGTON TERRITORY TO ISSUE AND DISPOSE OF BONDS TO PROVIDE FUNDS TO PAY OUTSTANDING INDEBTEDNESS, AND TO PROVIDE FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST THEREOF.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That each and every organized county of this Territory is hereby authorized and empowered by and through its board of county commissioners, when in the judgment of said board it is deemed to be to the best interests of the county to issue its negotiable bonds in the name of the county for the sole purpose of funding the outstanding indebtedness which existed against said county on the first day of January, 1888; *provided*, that no bonds shall be issued under the provisions of this act to pay or fund any indebtedness except such as is represented by the legally issued county warrants or orders of such county. Said bonds shall be in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); shall bear the date of their issue; shall be made payable to the bearer, and shall be made payable in not more than thirty years from their date, and bear interest at the rate of not exceeding six per cent. per annum, payable semi-annually with coupons attached for each interest payment; *provided further*, that no bonds shall be issued under the provisions of this act to provide money to pay or fund any indebtedness, created after July 29th, 1886, which in the aggregate, including the then existing indebtedness, exceeded four per centum of the value of the taxable property within such county to be ascertained by the last assessment for territorial and county taxes previous to the incurring of such indebtedness. The bonds and each coupon shall be signed by the chairman of the board of county commissioners, and shall be attested by the clerk of said board, and the seal of said board shall be affixed to each bond, but not to the coupon. Said bond shall be printed, engraved or lithographed on good bond paper, and the

bond shall state on its face that it is issued in accordance an [and] in strict compliance with an act of the legislative assembly of the Territory of Washington, entitled. "An act authorizing and empowering the organized counties of Washington Territory to issue and dispose of bonds to provide funds to pay outstanding indebtedness and to provide for the payment of the principal and interest thereof," approved on the day of 1888, (inserting date of the approval of this act,) and a copy of this act shall be printed on the back of each bond. Said bond shall be payable anywhere in the United States.

SEC. 2. Said bonds may be exchanged at not less than their par value for an equal amount of the orders or warrants permitted to be funded under the provisions of section 1 of this act, of the county issuing them; the said bonds may be sold by the board of county commissioners at not less than their par value and the proceeds applied solely to the payment of such indebtedness.

SEC. 3. Ten years before the said bonds shall become due and payable the county commissioners of the county issuing them, are hereby authorized and required annually to levy a tax sufficient to liquidate the said bonds by [at] maturity; such tax to be collected and kept as a separate fund to liquidate the said bonds in accordance with the following section:

SEC. 4. It shall be the duty of the treasurer of any county issuing bonds under the provisions of this act whenever he has upon hand the sum of two thousand dollars (\$2,000) of the special fund intended to pay said bonds, to advertise in the newspaper doing the county printing, for the presentation to him for payment of such of the bonds issued as aforesaid under the provisions of this act, as the fund in his hands as may be able to pay in numerical order of the said bonds, beginning at bond No. 1, until all of the said bonds are paid; *provided*, that thirty days after the first issuing of the notice of the treasurer calling in any of said bonds by their number, said bond shall cease to bear interest and the coupons upon the said bonds for interest after said time shall be void; *provided further*, that for the purpose of making the foregoing provision effective, all holders of said bonds shall notify the treasurer of the county issuing said bonds immediately upon the purchase of said bonds of such fact; also notify said treasurer of his postoffice address, and the said treasurer shall also by letter addressed to said postoffice, inform said party at any time that any bonds holden by said party shall be called in; *provided*, that the treasurer may pay any of said bonds in their order at any time that he has money enough belonging to the special fund on hand to pay said bond without advertising as above provided.

SEC. 5. The coupons hereintofore mentioned for the payment of interest on said bonds, shall be considered for all purposes as warrants drawn upon the general fund of the several counties issuing bonds under the provisions of this act; and when presented to the treasurer of the county issuing such bonds, and no funds are in the treasury to pay the said coupons, it shall be the duty of the treasurer to indorse the said coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter the said coupons shall bear interest at the same rate as county warrants so presented and unpaid.

SEC. 6. The county treasurer shall be allowed a commission of one per cent. upon the par value of said bonds for receiving and disbursing all funds arising from the sale or exchange of said bonds and the commission therein provided for shall be in lieu of all other commissions allowed him by law.

SEC. 7. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book to be kept for that purpose and known as the "Bond Register" in which register he shall enter the number of each bond, its date, date of maturity, amount, rate of interest, to whom and where payable.

SEC. 8. Bonds issued under and substantially conformed to this act, shall be negotiable.

SEC. 9. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

BONDS, FUNDING.

CHAPTER X.

AN ACT

TO AUTHORIZE COUNTIES AND CITIES TO REFUND OUTSTANDING
BONDED INDEBTEDNESS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. All bonds heretofore issued by any county or city, may be refunded in the discretion of the county commis-

sioner of the county or common council of the city in the manner hereinafter provided, whenever there is not sufficient money in the treasury of such county or city to pay such bonds and legally applicable thereto.

SEC. 2. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars, shall be numbered from one up consecutively, shall bear the date of their issue, shall be made payable not more than twenty years from date, and shall bear interest at a rate not exceeding seven per cent. per annum, payable semi-annually with interest, coupons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the chairman of the board of county commissioners and attested by the clerk under the seal of the commissioners, or in case of cities, by the mayor, and attested by the city clerk under the seal of the city.

SEC. 3. There shall be levied each year a tax upon the taxable property of such county or city as the case may be, sufficient to pay the interest on said bonds as the same accrues and before five years prior to the maturity thereof an annual sinking fund tax sufficient for the payment of said bonds at maturity which taxes shall become due and collectible as other taxes.

SEC. 4. Said bonds shall be printed or engraved or lithographed on good bond paper and a duly authenticated copy of this act together with the resolution of the board of county commissioners or common council of the city, authorizing and directing the issuance of the same shall be presented on the back of each bond.

SEC. 5. The bonds issued under and by virtue of this act shall not be sold or exchanged at less than their par value and all moneys derived from the sale of such bonds shall be immediately applied to the redemption of outstanding bonds so far as such moneys can be applied and after such outstanding bonds shall have been so refunded they shall be endorsed in red ink with the words "refunded bond" and filed and preserved for one year and shall then be destroyed in the presence of witnesses, and the clerk of the commissioners or city shall keep a record of such bonds so refunded and shall note therein the date of the refunding and destruction of the same and in whose presence they were destroyed.

SEC. 6. A register shall be kept of all bonds which register shall show the number, date, amount, interest, name of payee and when and where payable, of each and every bond executed, issued or sold under the provisions of this act.

SEC. 7. This act to take effect and be in force from and after its passage and approval.

Approved February 1, 1888.

BURGLARY.

CHAPTER XI.

AN ACT

TO AMEND SECTION 827 OF CHAPTER LXIX OF THE CODE OF WASHINGTON TERRITORY, DEFINING THE CRIMES OF BURGLARY AND PRESCRIBING THE PUNISHMENT THEREFOR.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 827, of Chapter LXIX of the Code of Washington Territory be and the same is hereby amended to read as follows:

Section 827. Every person who shall unlawfully enter in the night-time or shall unlawfully break and enter in the day-time, any dwelling-house or out-house thereunto adjoining, and occupied therewith, or any office, shop, store, warehouse, malt-house, still-house, mill, factory, bank, church, school-house, railroad car, barn, stable, ship, steamboat, watercraft, or any building in which any goods, merchandise or valuable things are kept for use, sale or deposit within the body of any county, with intent to commit a misdemeanor or felony shall be deemed guilty of burglary and upon conviction thereof shall be imprisoned in the penitentiary for any period not more than fourteen years.

SEC. 2. The provisions of this act shall in nowise affect any act done or crime heretofore committed, but all acts heretofore done and all offenses heretofore committed shall be prosecuted and punished in the same manner as if this act had not been passed.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 4. This act shall be in force and take effect from and after its passage and approval.

Approved January 31, 1888.

BONDS, CONTRACTORS.

CHAPTER XII.

AN ACT

REQUIRING MUNICIPAL CORPORATIONS TO TAKE A BOND FROM CONTRACTORS, CONTRACTING TO DO WORK OR MAKE ANY IMPROVEMENTS FOR SUCH MUNICIPAL CORPORATIONS, CONDITIONED TO PAY LABORERS, MECHANICS, MATERIAL-MEN AND OTHERS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That whenever the board of county commissioners of any county of this Territory, or the mayor and common council of any incorporated city or town or the tribunal transacting the business of any municipal corporation shall contract with any person or persons to do any work of any character which, if performed for an individual, a right of lien would exist under the law, or make any improvement for such county, incorporated city or town, or other municipal corporation such board of county commissioners or mayor and common council of any incorporated town or city, or tribunal transacting the business of any other municipal corporation, shall take from the person with whom such contract is made, a good and sufficient bond with two or more sureties, who shall justify as bail upon arrest, which bond shall be conditioned that such person shall pay all laborers, mechanics and material-men and persons who shall supply such contractor with provisions or goods of any kind, all just debts due to such persons or to any person to whom any part of such work is given, incurred in carrying on such work; which bond shall be filed by such board, or mayor and common council or other tribunal, in the office of the county auditor in the county where such work is to be performed or improvement made.

SEC. 2. If any board of county commissioners of any county, or mayor and common council of any incorporated city or town, or tribunal transacting the business of any municipal corporation shall fail to take such bond as herein required,

See Williams vs State 9 So. 152

such county, incorporated city or town, or other municipal corporation, shall be liable to the persons mentioned in the first section of this act, to the full extent and for the full amount of all such debts so contracted by such contractor.

SEC. 3. The bond mentioned in the first section of this act shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the Territory of Washington, and all such persons mentioned in said first section of this act shall have a right of action in his, her or their own name or names on such bond, for the full amount of all debts against such contract [contractor] or for work done by such laborers or mechanics and for materials furnished, or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements.

SEC. 4. This act to take effect and be in force from and after its passage and approval.

Approved January 31, 1888.

DISTRICT ASSESSMENT.

CHAPTER XIII.

AN ACT

AUTHORIZING INCORPORATED CITIES, TOWNS OR VILLAGES TO CREATE ASSESSMENT DISTRICTS WITHIN THE INCORPORATED LIMITS OF SUCH CITY, TOWN OR VILLAGE, FOR THE PURPOSE OF RAISING REVENUE TO OPEN OR IMPROVE THE STREETS, HIGHWAYS AND ALLEYS THEREIN.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Any municipal corporation created under the laws of Washington Territory, shall have power to cause any street, highway or alley therein to be opened, widened, cleared, graded, graveled, bridged, paved, macadamized, curbed, sewered, guttered, drained, sidewalked or repaired in any manner; and for such purpose shall have power to establish assessment districts within the municipality upon which to assess

the expense of making such improvements; and shall have power to assess the expense of any such improvement upon the property within such assessment district in such proportion as it may deem just.

SEC. 2. Upon the application of three or more freeholders of any such municipality, the city council or other governing body thereof, shall forthwith establish an assessment district for the improvement specified in such application and shall fix the proportion of assessment to be imposed upon each of the subdivisions thereof, and shall cause a map of said assessment district and its subdivisions to be made and filed with the clerk of said municipality.

SEC. 3. No improvement shall be made under the provisions of this act at the expense of the owners of the land embraced by an assessment district, unless more than one-half of the resident owners of the land embraced by said assessment district, shall have petitioned the governing body of such municipality to order such improvements to be made, unless said council or other governing body shall decide it necessary, which decision shall be evidenced by a two-thirds vote of all the members of said city council or other governing body voting therefor.

SEC. 4. Before ordering any work done or improvement made, authorized by this act, the city council or other governing body of such municipality, shall pass a resolution declaring its intention so to do and shall thereafter cause a survey of the improvement and an estimate of the entire cost thereof to be made and filed in the office of the clerk of such municipality, for the inspection of all parties interested therein, which survey and estimate shall be made by a person to be named in such resolution.

SEC. 5. The clerk of said municipality shall forthwith cause a notice of the filing of such survey and estimate, to be published daily for five successive days in some newspaper published in the municipality, such notice must contain a true copy of said resolution of intention and must specify the street, highway or alley or part thereof proposed to be improved and the kind of improvement proposed to be made together with the estimated cost thereof and a description of the property embraced within said assessment district; and shall specify in said notice, that if sufficient remonstrance be not made before the expiration of ten days after date of last publication, said improvement will be made at the expense of the owners of the parcels of land embraced within said assessment district.

SEC. 6. If within ten days from the final publication of said notice, more than one-half of the resident owners of the property embraced within said assessment district, shall file with

the clerk of said municipality, a remonstrance against said improvement, the same shall not be made at the expense of the owners of the land embraced by said assessment district, unless the city council or other governing body of such municipality shall decide such work or improvement necessary, which decision shall be evidenced by a two-thirds vote of all the members of said city council or other governing body voting therefor.

SEC. 7. If no remonstrance be made and filed as provided in section five the owners of the land embraced by said assessment district shall be deemed to have consented to the making of said improvement, or, if such remonstrance has been made and filed, and the city council or other governing body of such municipality decide such work or improvement necessary, it shall, at its earliest convenience thereafter and within six months from the publication of such notice, make the proposed improvements at the cost and expense of the owners of the land embraced by said assessment district either by or through such officer as may be designated by it or by contract, let by the same to any person; *provided*, that no contract shall be made providing for the payment to the contractor for such improvement of an amount greater than the estimated cost thereof published as aforesaid.

SEC. 8. Such cost and expense shall be assessed upon said parcels of land in the following manner: The council or other governing body of such municipality shall first determine the percentage of the cost of improvement to be imposed upon each subdivision of the assessment district. The cost and expense of the work done and materials furnished in making the entire improvement, shall then be assessed upon the various parcels of land composing each subdivision of the assessment district, ratably according to the valuation of each of said parcels of land exclusive of the improvements thereon, as determined by the then next preceding regular annual assessment thereof for general municipal taxation, and the owners of any land so assessed shall be allowed a credit for any and all work and labor performed and material used in front of their respective lots prior to the resolution of intention to make said improvement, which amount shall be fixed by such officer or committee as the governing body of such municipality may select, which credit so allowed shall be added to the contract price or cost of such improvement.

SEC. 9. No assessment shall be levied upon any property which together with all assessments for street improvements that may have been levied upon the same property during the preceding year will amount to a sum greater than fifty per cent.

of the value of which said property was assessed upon the then next preceding assessment roll of the municipality.

SEC. 10. It shall be the duty of the clerk of said municipality within five days after the filing with him of any contract, providing for the making of any improvement authorized by this act duly approved by the proper officers to make out and complete an assessment list of the parcels of land embraced by said assessment district, which shall show and exhibit in separate columns the name of the owner, if known, of each parcel of land separately assessed and if unknown the word "unknown" shall be written opposite such parcel of land; the assessment number of each parcel of land separately assessed, the subdivision number thereof, if any; a brief description by lot and block number or otherwise of each parcel of land separately assessed, the assessed value of the same; the subdivision proportion, if any, of such assessment; the rate of assessment; the allowance for work done and the net assessment upon each parcel of land separately assessed. To said assessment list the clerk of said municipality shall attach the map of the assessment district for said improvement specified in section two of this act. Said assessment list and map thus attached, shall constitute and be known as the assessment roll. And shall be filed in the office of the clerk of said municipality.

SEC. 11. When an improvement shall not be made by contract, the clerk shall within five days from the filing in his office of a notice of the completion and cost thereof, make out and complete an assessment list as provided in section ten.

SEC. 12. The clerk of such municipality when said assessment roll is completed shall forthwith give notice by publication for at least five days in a newspaper, published in such municipality that said assessment roll is on file in his office, the date of the filing of the same and that the same is open for public inspection. Said notice shall specify a time within which the governing body of such municipality will meet to hear appeals of parties aggrieved by such assessment.

SEC. 13. Any owner of land in said assessment district, may within ten days after the first publication of said notice provided for in the last section, appeal to the governing body of such municipality from said assessment, which appeal shall be in writing and briefly state the objections to said assessment and shall be filed with the clerk of said municipality.

SEC. 14. At the time appointed for hearing appeals from said assessment the governing body of said municipality shall hear and decide upon all objections which may be presented by any party interested; to the regularity of the proceeding in making said improvement, or in levying said assessment, or to the correctness of the amount of said assessment, or of the amount

levied upon any particular parcel of land, and, if the proceedings are found by them to have been regular, they shall correct any errors which may be found in the assessment and shall pass an order approving and confirming said proceedings and said assessment as so corrected by them, and their decision and order shall be a final determination of the regularity, validity and correctness of said assessment, and of the amount thereof levied upon each parcel of land, and shall bar all persons appearing and objecting or failing to appear from any further recourse in law.

SEC. 15. The governing body of such municipality must provide in said order approving and confirming such assessment within what time, nor less than thirty nor more than sixty days after the time appointed for hearing appeals therefrom, the same may be paid to the treasurer of such municipality, and all such assessments not paid to the treasurer within such time shall thereafter draw interest at the rate of ten per cent. per annum until paid.

SEC. 16. Before entering into any contract for said improvement the governing body of such municipality shall invite sealed bids for such improvement by publishing a notice, requesting the same for ten days in a newspaper published in the municipality. All bids shall be filed with the clerk within such time as may be specified in the notice and none others shall be considered. Such bids shall not be opened except at a meeting of the governing body of said municipality. Invitations for bids may be renewed from time to time by publishing notice as aforesaid and either before or after the opening of the bids on file. The governing body of such municipality, may reject any or all of such bids and may adopt any one of them, which in their discretion they may deem best, whether the same be the lowest or not.

SEC. 17. The mode and manner of the collection of the assessment provided for herein, shall be as provided by the charters and ordinances of the respective cities, towns or villages.

SEC. 18. This act shall not be considered as a repeal or amendment of existing city charters, relating to the subject matter to which this act relates; nor shall this act apply to any city or town having a population of less than six thousand people.

SEC. 19. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

DISTRICTS, SCHOOL.

CHAPTER XIV.

AN ACT

TO ORGANIZE SCHOOL DISTRICTS IN CITIES AND INCORPORATED TOWNS OF EIGHT THOUSAND INHABITANTS, AND TO PROVIDE FOR THE MAINTENANCE AND GOVERNMENT OF PUBLIC SCHOOLS THEREIN

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Whenever the population of any city or incorporated town shall equal eight thousand inhabitants, as shown by any census of the school district, city, county or United States, said city shall constitute one school district, and the boundaries and limits of such school district shall conform to the limits and boundaries of said incorporated city or town.

SEC. 2. When the limits or boundaries of any incorporated city or town containing eight thousand inhabitants, which has been by this act constituted a school district, are changed according to law, then the boundaries and limits of the school district therein shall be deemed to have been changed also, so as to conform to the new limits and boundaries of such incorporated city or town.

SEC. 3. In all such districts as are created by this act, the board of directors shall consist of five members, each of whom shall hold office for a term of three years, except as hereinafter provided.

SEC. 4. The elections for members of the board of directors, and for school clerk, in all such districts, shall be held each year, at the time and in the manner not [now] provided by law for school districts.

SEC. 5. At the first regular election in every district, after this law is applied to the same, there shall be elected three [five] directors to hold office, two for one year, two for two years, and one for three years; the term of each to be determined by lot at the first regular meeting of the board after such election.

SEC. 6. After the first election of members of the board of directors under this act, all vacancies in the board shall be filled by special election ordered by the board.

SEC. 7. The duties of the board shall be:

1. To employ a city superintendent of schools of the district and fix his term of office and compensation.

2. To employ teachers, janitors, carpenters, etc., and fix their compensation.

3. To prescribe courses of study and make rules and regulations for the government of said district.

4. When in their judgment the more systematic grading of their schools requires it, to choose text books in addition to those already authorized by the Territory; *provided*, that such choice shall be made at the same time as that now prescribed by law for the choice of text books for the Territory, and the result of their choice shall be regularly reported to the territorial board of education, to be by them filed as in the case of votes by county school superintendents.

5. To lease and build school houses, to buy and lease lands for school purposes, and to furnish their school houses with proper furniture, libraries, light, fuel, apparatus, etc., to sell and convey such lands and other property belonging to the district as may not, in their judgment, be required for school purposes, in manner as is now provided by law.

6. To provide for a sufficient number of polling places in such city for all school elections, to appoint judges and clerks, and to canvass all votes and poll books, and determine the result thereof.

7. To make an annual printed report to the taxpayers of said district.

8. To determine who are non-resident pupils, and fix the rates of tuition for such non-resident pupils.

SEC. 8. The board of directors in such districts must provide for the time and place of its regular meeting, at any of which may adjourn, to the next succeeding regular meeting, or to some specified time prior thereto, and it may be convened upon written or printed notices issued by the school clerk by order of the chairman, or upon the united request of three members of the board.

SEC. 9. A majority of the board of directors shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the presence of absent members.

SEC. 10. The board of directors of such district may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal, and on the call of any one of its members, must cause the yeas and nays to be taken and entered upon its journal, upon any question before it.

SEC. 11. On or before the tenth day next following any

regular or special election for school officers, there must be a regular meeting of the board, at which time the newly elected officer or officers shall enter on their duties.

SEC. 12. Any person, male or female, who is a qualified voter at school elections, shall be eligible to the office of school director in such districts.

SEC. 13. At such general or special elections in such districts the only officers voted for, shall be that of directors and clerk.

SEC. 14. The board of directors of such district are authorized to contract an indebtedness for the district for school purposes in the manner now provided by law for authorizing such indebtedness.

SEC. 15. In all such districts, when in the opinion of the board, the cost of any lot of furniture, stationery, apparatus, fuel, building or improvements or repairs to the same, will equal or exceed the sum of five hundred dollars, it shall be the duty of said board to give due notice by publication, in at least one daily newspaper published within the said corporate limits, of their intention to receive bids for such lot of furniture, stationery, etc., and they shall determine the specifications for such bids and appoint the time and place for opening of all bids, which shall be public. And it shall be unlawful for any member of the school board to bid or to be an interested party in any bid before such board.

SEC. 16. The board of directors of each school district created by this act shall have power to fix and determine the amount of taxes for general school purposes to be assessed within such district, and annually on or before the first Monday of July shall fix said tax at some rate not less than four mills nor exceeding eight mills, and shall, under their hands, certify to the board of county commissioners of the county in which such school district shall be, that they have fixed the amount for such year at such rate, and thereupon the county commissioners shall levy upon the assessed value of taxable property in said school district a tax for support of schools therein, at the rate so fixed and shall levy no other tax for support of schools therein. The taxes raised for school purposes pursuant to the provisions of this act, within any school district created by this act, shall be collected, kept, disbursed and accounted for by the proper collecting, keeping and disbursing officers as a separate fund, exclusively applicable to school purposes in such district; and no taxes levied for school purposes outside of such school district subsequent to this act shall be applicable to school purposes in such district. The mode and manner and times for assessing and collecting taxes in the school districts created by this act

shall be the same as now provided by law, subject to the provisions of this act, and nothing contained herein shall be deemed to affect the levying of special taxes for school purposes in the manner provided by law.

SEC. 17. It is hereby made the duty of all school clerks whose districts lie partly within and partly without any incorporated town containing eight thousand inhabitants, to make to the county school superintendent, of the county containing such incorporated city or town, a segregated report at the time now provided for by law, showing the number of persons of school age in their respective districts, living within, and also the number of persons of school age living without, such incorporated city or town.

SEC. 18. All acts and parts of acts now in force concerning the duties and powers of school directors and school clerks which do not conflict with the express provisions of this act, shall be considered to apply to the officers of such districts as are established by this act.

SEC. 19. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 20. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

CIVIL ACTIONS.

CHAPTER XV.

AN ACT

TO PROVIDE THE MANNER OF COMMENCING CIVIL ACTIONS

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That civil actions in the several district courts of this Territory may be commenced by filing a com-

plaint and issuing summons signed by the clerk of the court and under the seal of the court substantially as follows:

TERRITORY OF WASHINGTON, }
County of. } ss.

(Here insert names of parties plaintiff and defendant)

To the above named defendant:

You are hereby requested to appear in the district court of the judicial district, holding terms at within twenty days after the service of this summons, exclusive of the day of service, if served in the above county, if not served in said county, but in said district, in thirty days, if served in any other judicial district in the Territory in forty days, and answer the complaint, of the above named plaintiff now on file in the office of the clerk of said court, and unless you so appear and answer, the same will be taken as confessed and the prayer thereof granted.

Witness my hand and the seal of said court this day of 18....

.....
Clerk of said Court.

SEC. 2. The clerk of the district court shall file the complaint as of the day it is received by him, and no action shall be tried at any term except by consent of the parties, or defendant makes default, unless the time to answer shall have expired on or before the second day of the term.

SEC. 3. In all cases except where service is made by publication as hereinafter provided, the summons shall be served by the sheriff of the county where service is had, or by his deputy, or by any citizen of the United States over twenty-one years of age, who is competent to be a witness in the action, other than the plaintiff. The summons shall be returned to the clerk of the proper district court with the return of the sheriff or his deputy endorsed thereon, or if served by any other person, his affidavit of service.

SEC. 4. The summons shall be served by delivering a copy thereof, as follows:

If the action be against any county in this Territory, to the county auditor.

If against any town or incorporated city in this Territory, to the mayor or president thereof.

If against a school district, to the clerk thereof.

If against a railroad corporation, to any station, freight, ticket or other agent thereof within this Territory.

If against a corporation owning or operating sleeping cars or hotel cars, to any person having charge of any of its cars or any agent found within the Territory.

If against any insurance company, to any agent authorized by such company or corporation to solicit insurance within the Territory.

If against a company or corporation doing any express business, to any agent authorized by said company or corporation to receive and deliver express matters and collect pay therefor within this Territory.

If the suit be against a company or corporation other than designated in the preceding subdivisions of this section, to the president or other head of the company or corporation, secretary, cashier or managing agent thereof.

If the suit be against a foreign corporation or non-resident joint stock company, or association, doing business within this Territory, to any agent, cashier or secretary thereof.

If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, guardian, or if there be none within this Territory, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed, if such there be.

If against any person for whom a guardian has been appointed for any cause, then to such guardian.

In all other cases, to the defendant personally, or, if he be not found, to some suitable person at the dwelling house or usual place of abode of such defendant.

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SEC. 5. In case service cannot be had as provided for in the preceding section by reason of the absence of the defendant, which fact may be shown by the affidavit of the plaintiff or his attorney, the summons with a brief statement of the object of the action may be served by publication thereof in some weekly newspaper, printed and published and of general circulation in the county in which the court is held, if such newspaper there be, otherwise in some newspaper printed and published in the Territory, which summons shall be published not less than once a week for six consecutive weeks, and shall require the defendant to appear and answer the complaint within sixty days from the date of the first publication thereof. Said summons may be substantially as follows:

TERRITORY OF WASHINGTON, }
 County of..... } ss.
 Plaintiff,
 vs.
 Defendant. }

To the above named defendant:

You are hereby notified that.....plaintiff has filed a complaint against you in the district court of the..... judicial district, holding terms at.....which will come on to be heard sixty days after the first publication of his [this] summons, to wit: Sixty days after (here insert date of first publication) and unless you appear and answer the same on or before the... ..day of.....18.... the same will be taken as confessed, and the prayer of the said complaint granted. The object and prayer of said complaint is (here insert a brief statement of the nature or object of the action.) Witness my hand and the seal of said court this.....day of.....18....

.....
 Clerk.

Before publication of the summons is made, the complaint shall be filed with the clerk of the court where the action is pending, and forthwith upon publication the plaintiff shall cause a copy of the summons to be deposited in the postoffice, the postage thereon being prepaid, directed to the defendant at his place of residence, unless it shall appear that such residence is not known to, or cannot, after reasonable diligence be ascertained by the plaintiff or his attorney, and before the hearing of the action the court or judge shall be satisfied by affidavit or other proof that all the provisions herein contained have been complied with; *provided*, that personal service out of the Territory proven by the affidavit of the person making the same, sworn to before a notary public, with a seal, or before a clerk of a court of record, shall be equivalent to service by publication, and defendant shall be required to answer within sixty days from the date of such service.

SEC. 6. Whenever it shall appear by the return of the sheriff, or his deputy, or the person appointed to serve a summons that he has not served them upon the defendant, the plaintiff may issue another summons, and so on till service be had, or the plaintiff may proceed by publication in the manner hereinbefore provided, at his election.

SEC. 7. When the action is against two or more defend-

ants upon a joint contract or liability, and one or more of the defendants cannot be served, the plaintiff may proceed to judgment against the defendant or defendants served, and at any time thereafter, while such judgment remains unsatisfied, the plaintiff or his attorney may issue summons to the defendant or defendants not served, and upon service thereof, upon such defendant or defendants, the same proceedings may be had as [as] he or they had been originally served. When the action is against defendants severally or jointly, and severally liable, the plaintiff may proceed against the defendant or defendants served in the same manner as though they were the only defendants.

SEC. 8. Proof of service shall be as follows:

1st. If served by the sheriff or his deputy, the return of such sheriff or his deputy endorsed upon or attached to the summons.

2nd. If by any other person, his affidavit thereof endorsed upon or attached to the summons, or

3d. In case of publication, the affidavit of the printer, publisher, foreman, principal clerk or business manager of the newspaper, showing the same, together with a printed copy of the summons as published, or

4th. The written admission of the defendant.

5th. In case of personal service out of the Territory the affidavit of the person making the service, sworn to before a notary public, with a seal attached, or a clerk of a court of record. In case of service otherwise than by publication the return, admission, or affidavit must state the time, place and manner of service.

SEC. 9. The action shall be deemed commenced, and court shall have obtained jurisdiction of the action from the time the complaint is filed with the clerk, and shall have control of all subsequent proceedings.

SEC. 10. A voluntary general appearance of defendant shall be equivalent to personal service.

SEC. 11. That whenever the words he or him occur in this act they shall be read as she or her or it, as occasion may require.

SEC. 12. All acts, or parts of parts, [acts,] upon the subject of this act are hereby repealed; this act to take effect and be in force from and after the first day of March, 1888.

Approved February 2, 1888.

CODE PLEADINGS.

CHAPTER XVI.

AN ACT

TO AMEND SECTION 91 OF THE CODE OF WASHINGTON TERRITORY
RELATING TO VERIFICATION OF PLEADING.

Be it enacted by the Legislative Assembly of Washington Territory:

SECTION 1. That section 91 of the Code of Washington Territory be, and the same is hereby amended by adding to, and at the end of said section the following, to wit:

When the party is absent from or a non-resident of the county in which suit is brought, the verification may be made by the agent or attorney of said party.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved February 1, 1888.

DEPOSITIONS.

CHAPTER XVII.

AN ACT

TO AMEND SECTION 411 OF CHAPTER 39 OF THE CODE OF
WASHINGTON TERRITORY ENTITLED "DEPOSITIONS."

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 411 of chapter 39 of the Code of the Territory of Washington be amended so as to read as follows:

"Either party may have the deposition of a witness taken in this Territory before any judge of the district court, justice of the peace, clerk of the supreme or district court, mayor of a city or notary public on serving on the adverse party or his attorney previous notice of the time and place of examination."

The notice shall be served so as to allow the adverse party sufficient time by the usual route of travel to attend, and three days for preparation, exclusive of the day of service, and the examination may, if so stated, in the notice, be adjourned from day to day.

This act shall take effect from and after its passage and approval by the governor.

Approved February 2, 1888.

NEW TRIAL.

CHAPTER XVIII.

AN ACT

RELATIVE TO MOTIONS FOR A NEW TRIAL IN DISTRICT COURTS AND TO REPEAL SECTION 281 OF THE CODE OF WASHINGTON RELATIVE THERETO.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. In no case of motion for a new trial hereafter made in the courts of this Territory shall it be necessary to specify the grounds thereof, otherwise than in the language of section 276 of the Code of Washington Territory, specifying the grounds upon which a motion for a new trial may be made.

SEC. 2. Section 281 of the Code of Washington Territory and all acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved Januay 31, 1888.

ARREST AND BAIL.

CHAPTER XIX.

AN ACT

TO AMEND SECTION 117 OF CHAPTER IX OF THE CODE OF WASHINGTON TERRITORY ENTITLED ARRESTS AND BAIL.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION. 1. That section 117 of chapter 9 of the Code of Washington Territory, relating to arrests and bail, be and the same is hereby amended as follows: After the word "proof" in the third line of said section, to be inserted the words "under oath," exclusive of the complaint in the action; and the words so inserted preceding the word "that" in the said line three, so that the same when amended shall read as follows:

"Section 117.—The court or judge making the order of arrest, shall first be satisfied by the affidavit of the party, or his agent, or attorney, and other proof, under oath, exclusive of the complaint, that the case is one in which an arrest is provided for in section one hundred and sixteen, and that one or more of the prescribed causes exist, which proof shall be in writing, and, together with the order, be filed with the clerk, before he shall issue any warrant for the arrest."

SEC. 2. All acts and parts of acts in conflict with this act, be and the same are hereby repealed.

SEC. 3. This act to take effect from and after its passage.

Approved January 28, 1888.

COMPUTING TIME.

CHAPTER XX.

AN ACT

TO AMEND SECTION SEVEN HUNDRED AND FORTY-THREE OF CHAPTER LXIV OF THE CODE OF WASHINGTON RELATING TO THE COMPUTATION OF TIME IN WHICH AN ACT IS TO BE DONE.

Be it enacted by the Legislative Assembly of Washington Territory:

SECTION 1. That section seven hundred and forty-three of the Code of Washington be, and the same is amended to read as follows: Section seven hundred and forty-three. The time within which an act is to be done, as herein provided, shall be computed by excluding the first day, and including the last, unless the last day is a holiday or Sunday, and then it is also excluded.

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after the first day of May 1888.

Approved January 27, 1888.

COAL MINES.

CHAPTER XXI.

AN ACT

IN RELATION TO COAL MINES.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION. 1. That the owner or agent, operator, of each and every coal mine in this Territory, shall make, or cause to

be made, at the discretion of the inspector, or person acting in that capacity, an accurate map or plan of the workings, of such coal mine, and of each and every vein thereof, showing the general inclination of the strata, together with any material deflections in said workings, and the boundary lines of said coal mines, and deposit a true copy of said map or plan with the inspector of coal mines, to be filed in his office, said map or plan, with the recorder of the county in which said coal mine is situated, to be filed in his office, both of which said copy shall be deposited as aforesaid within three months from the day when this act shall go into effect; and the original or a copy of such map or plan, shall also be kept for inspection at the office of said coal mine; and during the month of January of each and every year, after this act shall go into effect, the said owner, agent or operator, shall furnish the inspector as aforesaid, with a statement and further map or plan, of the progress of the workings of such coal mine, continued from the last report to the end of the December month just preceding, and the inspector shall correct his map or plan of said workings in accordance with the statement and map or plan thus furnished; and when any coal mine is worked out or abandoned, that fact shall be reported to the inspector, and the map or plan of such coal mine in the office of said inspector shall be carefully corrected and verified.

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SEC. 2. Whenever the owner, agent or operator of any coal mine shall neglect or refuse to furnish the said inspector as aforesaid, with the statement, the map or plan, or addition thereto, as provided in the first section of this act, at the times and in the manner therein provided, the said inspector is hereby authorized to cause an accurate map or plan of the workings of such coal mine to be made at the expense of said owner, agent or operator, and the cost thereof may be recovered by law from said owner, agent or operator, in the same manner as other debts, by suit in the name of the inspector and for his use.

SEC. 3. In all coal mines that are, or have been in operation prior to the first day of January, in the year of our Lord, one thousand eight hundred and eighty-eight, and which are worked by or through a shaft, slope or drift, if there is not already an escapement shaft to each and every said coal mine, or communication between each and every coal mine, and some other contiguous mine, then there shall be an escapement shaft or other communication, such as shall be approved

by the mine inspector, making at least two distinct means of ingress and egress for all persons employed or permitted to work in such coal mine; such escapement shaft should be a downcast and an upcast, and locate three hundred yards from the engine house. Such escapement shaft or other communication with a contiguous mine as aforesaid, shall be constructed in connection with every vein or stratum of coal worked in such coal mine, which shall be at least three and one-half feet high, and at least five feet wide, and in no instance shall the height of said roadway be less than the thickness of the vein or stratum of coal through which it is driven; and the time to be allowed for such construction shall be one year, when such mine is under five hundred feet in depth; two years for all mines over five hundred (500) feet in depth from the first day of July, A. D. 1888; and in all cases where the working force of one mine has been driven up to or into the workings of another mine, the respective owners of such mines, while operating the same, shall keep open a roadway, at least five feet high and five feet wide, thereby forming a communication as contemplated in this act; and for a failure to do so, shall be subject to the penalty provided for in section ten of this act, for each and every day such roadway is unnecessarily closed; each and every such escapement shaft shall be separated from the main shaft by such extent of natural strata as shall secure safety to the men employed in such mines, such distance to be left to the discretion of the mine inspector or person acting in that capacity, and shall be equipped with stairways or ladders, having landing places or platforms at least every twenty feet from the bottom to the top, or in lieu thereof such hoisting apparatus as will enable the employes in the mine to make safe and speedy exit in case of danger. In all coal mines that shall go into operation for the first time after the first day of January, A. D. eighteen hundred and eighty-eight, and in all cases where such mine or mines shall hereafter be put in operation in this Territory, the owner thereof, or the lessee or occupant of the same shall construct an escapement shaft as is required by this act to be constructed in coal mines in this Territory, at the rate of five hundred feet per annum until such escapement shaft shall have been fully completed; and provided further, that nothing in this section shall be construed to extend the time heretofore allowed by law for constructing escapement shafts in mines going into operation

for the first time before said first day of January, A. D. eighteen hundred and eighty-eight.

SEC. 4. The owner, agent or operator of every coal mine, whether operated by shaft, slope or drift, shall provide and maintain in every such mine a good and sufficient amount of ventilation for such men and animals as may be employed therein, the amount of air in circulation to be in no case less than one hundred cubic feet for each man per minute and six hundred cubic feet for each animal per minute, measured at the foot of the downcast, and the same to be increased at the discretion of the inspector, according to the character and extent of the workings, or the amount of powder used in blasting; and said volume of air shall be forced and circulated to the face of every working place throughout the mine, so that said mine shall be free from standing powder smoke and gases of every kind. In all mines where fire-damp is generated, every working place, where the same is known or thought to exist, shall be examined every morning with a safety lamp, by a competent person, before any other persons are allowed to enter, and whenever the inspector shall find men working without sufficient air, or under any unsafe condition, he may remove the same to other parts of the mine or from the mine altogether. The inspector shall visit and inspect breasts and working faces of the mines and leave a mark as to safety. The ventilation required by this section may be produced by any suitable appliances, but in case a furnace shall be used for ventilating purposes, it shall be built in such a manner as to prevent the communication of fire to any part of the works, by lining the upcast with incombustible material for a sufficient distance up from said furnace; *provided*, it shall not be lawful to use a furnace for ventilating purposes, or for any other purposes, that shall emit smoke into any compartment constructed in, or adjoining any coal hoisting shaft or slope, where the hoisting shaft or slope is the only means provided for the ingress or egress of persons employed in said coal mines. That it shall be unlawful where there is but one means of ingress or egress provided at a coal shaft or slope, to construct and use a ventilating furnace that shall emit smoke into a shaft as an upcast, where the shaft or slope used as a means of ingress or egress by persons employed in said coal mines is the only means provided for furnishing air to persons employed therein.

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V SEC. 5. The owner, agent or operator shall provide that bore holes shall be kept twenty feet in advance of the face of each and every working place, and if necessary, on both sides, when driving towards an abandoned mine or part of a mine suspected to contain inflammable gases, or to be inundated with water.

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SEC. 6. The owner, agent or operator of every coal mine operated by shaft shall provide suitable means of signaling between the bottom and top thereof, and shall also provide safe means of hoisting and lowering persons in a cage covered with boiler iron, so as to keep safe, as far as possible, persons descending into and ascending out of such shaft, and such cage shall be furnished with guides to conduct it on slides through such shaft, with a sufficient brake on every drum to prevent accident in case of the giving out or breaking of the machinery; and such cage shall be furnished with spring catches intended and provided, as far as possible, to prevent the consequences of cable breaking or the loosening or disconnecting of the machinery; and no props or rails shall be lowered in a cage while men are descending into or ascending out of said mine. 11 The hoisting ropes shall be inspected by the manager of the mine or his agent with respect to safety each morning; *provided*, that the provisions of this section, relating to covering cages with boiler iron, shall not apply to coal mines less than one hundred feet in depth, where the coal is raised by horse power. 1291 No person under the age of fifteen years, or females of any age, shall be permitted to enter any mine to work therein. Any party or person neglecting or refusing to perform the duties required to be performed by sections three, four, five, six, seven and eight shall be deemed guilty of a misdemeanor and punished by fine in the discretion of the court trying the same, subject, however, to the limitations as provided by section ten of this act.

V SEC. 7. No owner, agent or operator of any coal mine, operated by shaft or slope, shall place in charge of any engine, whereby men are lowered into or hoisted out of the mines, any but an experienced, competent and sober person not under the age of eighteen years; and no person shall ride upon a loaded cage or wagon used for hoisting purposes in any shaft or slope, and in no case shall more than twelve persons ride on any cage or car at one time, nor shall

any coal be hoisted out of any coal mine while persons are descending into such coal mine; and the number of persons to ascend out of or descend into any coal mine, on one cage, shall be determined by the inspector, the maximum number so fixed shall not be less than four nor more than twelve, nor shall be lowered or hoisted, nor no man shall handle the bell rope, except the man in charge at the bottom of the shaft.

SEC. 8. All boilers used in generating steam in and about coal mines shall be kept in good order, and the agent, owner or operator, as aforesaid, shall have said boilers examined and inspected by a competent boilermaker, or other qualified person, as often as once every six months, and oftener if the inspector shall deem it necessary, and the result of every such examination shall be certified, in writing, to the mine inspector; and the top of each and every shaft, and the entrance to each and every intermediate working vein, shall be securely fenced by gates properly covering and protecting such shaft and entrance thereto; and the entrance to every abandoned, slope, air or other shaft shall be securely fenced off; and every steam boiler shall be provided with a proper steam gauge, water gauge and safety valve; and all underground, self-acting or engine planes, or gangways, on which coal cars are drawn and persons travel, shall be provided with some proper means of regulating between the stopping places and the end of said planes or gangways, and sufficient places of refuge at the sides of such planes or gangways shall be provided at intervals of not more than twenty feet apart.

SEC. 9. Whenever loss of life, or serious personal injury shall occur by reason of any explosion, or of any accident whatsoever, in or about any coal mine, it shall be the duty of the person having charge of such coal mine to report the facts thereof, without delay, to the mine inspector of the district in which said coal mine is situated; and if any person is killed thereby, to notify the coroner of the county also, or in his absence or inability to act, any justice of the peace of said county; and the said inspector shall; if he deem it necessary from the facts reported, immediately go to the scene of said accident, and make such suggestion and render such assistance as he may deem necessary for the safety of men. And the inspector shall investigate and ascertain the cause of such explosion or accident, and make a report thereof, which he shall preserve with the other

records of his office; and to enable him to make such investigations, he shall have power to compel the attendance of witnesses, and administer oaths or affirmations to them; and the cost of such investigation shall be paid by the county in which such accident has occurred, in the same manner as costs of coroner's inquests are now paid. And the failure of the person in charge of the coal mine in which any such accident may have occurred, to give notice to the inspector or coroner, as provided for in this section, shall subject such person to a fine of not less than twenty-five dollars nor more than one hundred dollars, to be recovered in the name of the people of the Territory of Washington, before any justice of the peace of such county, and such fine, when collected, shall be paid into the county treasury for the use of the county in which any such accident may have occurred.

SEC. 10. In all other cases in which punishment is provided by fine under this act for a breach of any of its provisions, the fine for a first offense shall not be less than five hundred dollars and not more than one thousand dollars, and for the second offense not less than one thousand dollars nor more than two thousand dollars, in the discretion of the court, except as specially provided for in section nine of this act.

SEC. 11. The first and second judicial districts shall constitute the first inspection district, the third and fourth judicial districts shall constitute the same inspection district; an inspector of coal mines for each of said districts shall be appointed by the governor, by and with the advice and consent of the Territorial council. Each inspector shall hold his office for the term of two years, except as provided for in section twelve of this act, from and after the first Monday in February, A. D. 1888, and until his successor is appointed and qualified. Each inspector shall be a qualified elector and have a knowledge of mining engineering sufficient to conduct the development of coal mines, and a practical knowledge of the methods of conducting mining for coal in the presence of explosive gases, and of the proper ventilation of coal mines. He shall have had a practical mining experience of ten years, two of which shall have been in this Territory and shall not be interested as owner, operator, stockholder, superintendent or mining engineer of any coal mine during his term of office, and shall be of good moral character and temperate habits,

and shall not be guilty of any act tending to the injury of miners or operators of mines during his term of office. The inspectors shall be provided by the Territory with the most approved modern instruments for carrying out the intention of this act. The inspectors, before assuming the duties of their several offices, shall take an oath of office, as provided for by the statutes of the Territory as in case of other Territorial officers. The salary of the district inspectors shall be fifteen hundred dollars (\$1500) per annum each, and the auditor of the Territory is hereby authorized to draw his warrant on the treasury in their favor, quarterly, for the amount specified in this section for the salary of each inspector out of any moneys not otherwise appropriated; *Provided*, that the county board of any county may appoint an assistant inspector for such county, who shall act under the direction of the district inspector in the performance of his duties, and shall receive not less than three dollars (\$3.00) and not more than five dollars (\$5.00) per day for the time actually employed, to be paid out of the county treasury, and he may be removed by such county board at any time.

SEC. 12. The inspectors provided for by this act shall devote their whole time and attention to the duties of their office, and make personal examination of every mine within their respective districts, and shall see that every necessary precaution is taken to insure the health and safety of the workmen employed in such mines, and that the provisions and requirements of the mining laws of this Territory are faithfully observed and obeyed and the penalties of the same enforced. Upon a petition signed by not less than three reputable coal operators, or ten coal miners, setting forth that any inspector of coal mines neglects his duties, or that he is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, it may be lawful for the governor to issue a citation to the said inspector to appear, at no less than fifteen days' notice on a day fixed, before him when he shall proceed to inquire into and investigate the allegations of the petitioners, and if he find that the said inspector is neglectful of his duty, or that he is, by reason of causes that existed before his appointment, or that have arisen since his appointment, incompetent to perform the duties of said office, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, he shall declare the office of inspector of said district vacant, and shall appoint a properly qualified person to fill the office, in compliance with the provisions of this act; and the cost of said investigation shall be borne by the removed

inspector; but [if] the allegations of the petitioners are not sustained by the decision of the governor, the costs shall be paid by the petitioner.

SEC. 13. That when two or more coal mines are so located as to allow the said mines to be connected by permanent entries between and the land or mining rights lying between such mines is owned by any person or persons with whom the owner or owners of said mine or mines are unable to agree for the purchase of the right of way for the connecting entry or entries between such mines, and the right to maintain and use such entry as a connecting entry is claimed, such owner or owners of any such coal mine or mines, or either of them, may acquire such right or title in the manner that may be now or hereafter provided by any law of eminent domain.

SEC. 14. It shall be lawful for the inspector, provided for in this act, to enter, examine and inspect any and all coal mines and machinery belonging thereto, at all reasonable times, by day or by night, but so as not to obstruct or hinder the necessary workings of such coal mines; and the owner, agent or operator of every such coal mine is hereby required to furnish all necessary facilities for entering and making such examination and inspection, and if the said owner, agent or operator aforesaid shall refuse to permit such inspection, the inspector shall file affidavit setting forth such refusal with the judge of the district court in said county in which said mine is situated and obtain an order on such owner, agent or operator so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly, and if the said inspector shall after examination of any coal mine and the works and machinery pertaining thereto, find the same to be worked contrary to the provisions of this act, or unsafe for the workmen therein employed, said inspector shall, through the prosecuting attorney of his county, or any attorney, in case of his refusal to act, acting in the name and on behalf of the Territory, proceed against the owner, agent or operator of such coal mine by injunction without bond, after giving at least two days' notice to such owner, agent or operator; and said owner, agent or operator shall have the right to appear before the judge to whom the application is made who shall hear the same on affidavits and such other testimony as may be offered in support as well as in opposition thereto, and if sufficient cause appear, the court or judge in vacation by order shall prohibit the further working of any such coal mine in which persons may be unsafely employed contrary to the provisions of this act, until the same shall have been made safe and the requirements of this act shall have been com-

plied with, and the court shall award such costs in the matter of said injunction as may be just; but any such proceedings so commenced shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this act.

SEC. 15. For any injury to person or property, occasioned by any wilful violations of this act or wilful failure to comply with any of its provisions, a right of action shall accrue to the party injured for any direct damages sustained thereby; and in case of loss of life by reason of such wilful violation or wilful failure as aforesaid, a right of action shall accrue to the widow of the person so killed, (his lineal heirs or adopted children) or to any other person or persons who were before such loss of life dependent for support on the person or persons so killed for a like recovery of damages for the injuries sustained by reason of such loss of life or lives; *provided*, that the occurrence of any accident in such mine or mines which shall result in injury or death to any person employed therein, shall be *prima facie* evidence of neglect upon the part of the person or corporation operating such mine. And *provided further*, that no employee or his legal representative shall be debarred recovery in such action where the injury was occasioned by the negligence of a co-employee, unless such employee was selected and employed by such person.

SEC. 16. Any miner, workman or other person who shall knowingly injure any water-gauge, barometer, air-course or brattice, or shall obstruct, or throw open any air-ways, or carry any lighted lamps or matches into places that are worked by the light of safety-lamps, or shall handle or disturb any part of the machinery of the hoisting engine, or open a door in the mine and not have the same closed again, whereby danger is produced, either to the mine or those at work therein; or who shall enter into any part of the mine against caution; or who shall disobey any order given in pursuance of this act; or who shall do any wilful act whereby the lives and health of persons working in the mine, or the security of the mine or mines or the machinery thereof is endangered, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by fine or imprisonment, at the discretion of the court; *provided*, that where such wilful violation of the provisions of this act shall result in death, that the owner, operator, manager or managing officer of the corporation or other person so violating the provisions of this act shall be deemed guilty of murder.

SEC. 17. The owner, agent or operator of any coal mine shall keep a sufficient supply of timber, where required to be used as props, so that the workmen may at all times be able to

properly secure the said workings from caving in; and it shall be the duty of the owner, agent or operator to send down all such props when required, and the same to be delivered at the entrance to the working face.

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SEC. 18. That all mines hoisting coal by steam power, from shaft or slope, having no other means of ingress or egress than that afforded to persons employed therein and [than] by said shaft or slope, shall within ninety days after the first day of July, A. D. 1888, have all engine and boiler houses roofed and sided with fire-proof materials, and they shall be situated not less than fifty feet from the mouth of the said shaft or slope; that the hoisting derricks erected over said hoisting shaft or near said slope, if enclosed, and all the coal chutes, buildings and constructions, within a radius of fifty feet of the mouth of the said hoisting shaft or slope, shall be covered and sided with fire-proof materials; and the person in charge, the owners or operators thereof, shall provide a steam pump and have the same conveniently situated, and a sufficient supply of water and hose always ready for use in any part of the buildings, chutes or constructions within a radius of fifty feet of said coal hoistings, shaft or slope; and if the person in charge of any such coal shaft or slope shall refuse or neglect to comply with the provisions of this act, then the inspector of coal mines for the county in which the said shafts or slope is situated, shall proceed, through the prosecuting attorney of his county, or any attorney, in case of his refusal to act, acting in the name and on behalf of the Territory, against the owner, agent or operator of said shaft or slope, by injunction, without bond, after giving at least two day's notice to such owner, agent or operator; and the said owner, agent or operator shall have the right to appear before the judge to whom the application is made, who shall hear the same on affidavits, and such other testimony as may be offered, in support as well as in opposition thereto; and if it be found that the owner, agent or operator of said shaft or slope has refused or neglected to comply with the provisions of this act, the court, or judge in vacation, by order, shall prohibit the further workings of any such coal shaft or slope until the owner, agent or operator shall have complied with the terms of this act.

SEC. 19. The use of iron needles and iron tamping bars, not tipped with five inches of copper, is hereby declared unlawful. Any failure on the part of a coal miner, or an employee in any coal mine, to conform to the terms and requirements of this act, shall subject such miner or employee to a fine of not less than five dollars nor more than twenty-five dollars, with costs of prosecution for each offense, to be recovered by civil suit before any justice of the peace; said fines, when collected, to be paid

into the treasury of the county where the offense was committed, to the credit of the fund provided for the payment of the county inspector of mines.

SEC. 20. It shall be the duty of the grand jury of each county or at least once a year or oftener, if so directed by the judge of the district court, to inspect all coal mines in operation and worked in such county, and certify their condition to the court, as in the case of the inspection of jails and other public institutions. It shall also be the duty of the coroner of the county when death results from accident in the operation and working of any coal mine, to hold an inquest as to the cause of death, as in case of death from an unknown cause, and reduce to writing the testimony of witnesses taken before the coroner's jury or have the same reduced to writing under his direction, and he shall forthwith file the written testimony with the clerk of such court; and if death results from any wilful act in violation of the provisions of this act, he shall also recognize such witnesses to appear and testify at the next term of the district court of the county.

SEC. 21. That all contractors for the mining of coal, in which the weighing of coal as provided for in this act, shall be dispensed with, shall be null and void.

SEC. 22. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 24. This act to take effect and be in force from and after its approval.

Approved February 2, 1888.

ACTIONS, TAXES.

CHAPTER XXII.

AN ACT

CONCERNING ACTIONS TO ENJOIN COLLECTION OF TAXES, AND
ACTIONS FOR RECOVERY OF PROPERTY SOLD FOR TAXES.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. Hereafter no action or proceeding shall be commenced or instituted in any court of this Territory to en-

join the sale of any property for taxes, or to enjoin the collection of any taxes, or for the recovery of any property sold for taxes, unless the person or corporation desiring to commence or institute such action or proceeding shall first pay, or cause to be paid, or shall tender to the officer entitled under the law to receive the same, all taxes, penalties, interest and costs justly due and unpaid from such person or corporation on the property sought to be sold or recovered.

SEC. 2. That in all actions to enjoin the sale of any property for taxes, in all actions to enjoin the collection of any tax, and in all actions for the recovery of any property sold for taxes, the complainant must state and set forth specially in his complaint the tax that is justly due, with penalties, interest and costs, the tax alleged to be illegal, and point out the illegality thereof, that the taxes for that and previous years have been paid; and when the action is for the recovery of lands or other property sold for taxes against the person or corporation in possession thereof that all taxes, penalties, interest and costs paid by the purchaser at tax-sale, his assignees or grantees have been fully paid or tendered, and payment refused.

SEC. 3. That the provisions of this act shall be construed as imposing additional conditions upon the power of the court or judge in granting injunctions to those already imposed, and of imposing additional conditions upon the complaint in actions for the recovery of property sold for taxes.

SEC. 4. This act to take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

CODE COMMISSION.

CHAPTER XXIII.

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A CODE COMMISSION, AND TO
MAKE AN APPROPRIATION FOR THE SAME.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION I. That the Governor shall within thirty days

after the approval of this act, appoint four persons, residents and practicing attorneys in the Territory of Washington, two of whom shall be from each of the two great political parties, as commissioners to revise, codify and fully prepare a code of the laws of said Territory, having reference and adhering as closely as practicable to our present system.

SEC. 2. Said commissioners shall meet within thirty days after their appointment and enter upon the discharge of their duties. They shall have power to appoint one clerk, and shall meet as often as once a month at the seat of the government for a comparison of work, and may continue in session for such time as may be necessary. They shall each receive the sum of seven dollars for each and every day so employed, but shall not receive individually, more than fifteen hundred dollars in the aggregate. Their clerk shall receive five dollars per day for each and every day so employed, but not to exceed one thousand dollars in the aggregate. Said compensation shall be paid by the territorial treasurer upon warrant drawn by the territorial auditor, upon certificate of the chairman of said commission and the approval of the Governor.

SEC. 3. It shall be the duty of said commission to prepare in the best possible form, a code of laws for general use in said Territory, adhering as closely as may be proper and practicable to the present system and laws, and to arrange the same logically and systematically under the proper headings and chapters supplying any omissions and imperfections that may now exist, at the same time adopting practical necessary forms or laws, and keeping in view the laws and forms, and arrangement of the same now in use, in the states and territories under the code system. Said code shall be fully prepared and shall be submitted in written or printed form to the next regular session of the legislature on the first day thereof.

SEC. 4. That there is hereby appropriated the sum of seven thousand dollars, or so much thereof as may be necessary out of any money in the territorial treasury not otherwise appropriated for the payment of said per diem to said commissioners and clerk and the further sum of two hundred and fifty dollars, or so much thereof as may be necessary, for the purchase of stationery for said commission, which sum shall only be disbursed in the same manner as the compensation to the commissioners.

SEC. 5. This act shall be in force from and after its approval by the Governor.

Approved Feb. 2, 1888.

CONTAGIOUS DISEASES,

CHAPTER XXIV.

AN ACT

TO PROVIDE AGAINST THE SPREAD OF INFECTIOUS OR CONTAGIOUS DISEASES AND IN RELATION TO QUARANTINE OF VESSELS IN THE TERRITORY OF WASHINGTON:

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the county commissioners of the several counties of the Territory of Washington shall be, and the same are hereby created and constituted, a board of health for said county, whose duty it shall be to make such regulations respecting the quarantine of ships or vessels prescribing in what case it shall be performed by vessels arriving at any port in said Territory of Washington as may be just and reasonable and the same modify or change as in their opinion the public safety requires, and the board of health so constituted shall appoint a health officer who shall before entering upon the duties of his office, give bonds with good and sufficient sureties to the county commissioners of the county where appointed, in the sum of one thousand dollars conditioned for the faithful performance of his duties as such health officer and shall be sworn before some officer qualified to administer oaths to perform the duties of his office to the best of his ability and which bond and oath shall be filed in the office of the county auditor.

SEC. 2. The health officer shall reside within the county where appointed and shall require all vessels having on board any person or persons infected with small-pox, plague, pestilential or malignant fever or other malignant, infectious or contagious diseases or who shall have been so infected during the voyage or having on board any goods reasonably supposed to have any infections of such disease to perform quarantine at some safe, suitable and convenient place selected and designated for the purpose by the board of health and order the master or other person having charge or control of such vessel to proceed with such vessel and anchor at such designated place there to remain and be purified and cleansed as he may direct, and a

suitable place on shore may be prescribed and properly limited for the landing, care, treatment and purification of any person or passenger of such vessel.

SEC. 3. The board of health may, and it shall be their duty to seize any goods landed from any such infected vessel without the permission of the health officer and remove and keep the same until they have caused them, the said goods to be thoroughly cleansed and purified and which cleansing and purification shall be performed by or under the direction of the health officer with all possible dispatch at which time such goods shall be turned over to the care and custody of the person properly claiming the same upon payment by the person so claiming paying the expense of such removal and purification and upon the failure of the health officer to turn over to such person any such goods agreeable to the provisions of this section he shall be liable for all damages that may arise from such failure and which may be recovered by suit in any court of competent jurisdiction together with costs of suit. That the fees of the health officer shall be fixed by the board of health provided for in this act but shall not exceed the sum of five dollars for each vessel boarded or examined in the day time and ten dollars in the night time between the hours of 10 P. M., and 5 P. M., nor the sum of fifteen dollars for fumigating a vessel which fee shall be paid, [by the owner or agent of said] vessel and shall be a lien on said vessel until paid and no vessel shall receive a bill of health or clearance until such fee is paid and the health officer may recover such fee together with the cost of suit in any court having jurisdiction.

SEC. 4. Any owner, master, supercargo officer, seaman, consignee or any other person who shall refuse or neglect to obey the orders and regulations of the board of health in regard to such quarantine on the purification and cleansing of such vessel shall be punished by fine not exceeding one thousand dollars or by imprisonment not exceeding three months, or both.

SEC. 5. Any person sick on board any such vessel may be sent on shore by said health officer at some place appointed and limited for the purpose and shall there be maintained, provided and cleansed by or under the direction of the health officer at the expense of such sick or infected person if able, otherwise at the expense of the vessel in which the person or persons may have been brought into any of the ports or waters of the Territory of Washington or bordering on said Territory.

SEC. 6. If any person shall come on shore from any vessel infected or justly suspected of being so subjected to or performing quarantine or shall leave the place appointed for the sick or for purification, being placed there or employed or placed there

by the health officer without permission of such officer he or she shall be fined not exceeding one thousand dollars or imprisoned not exceeding three months, or both.

SEC. 7. If any person shall without permission of the health officer go on board any vessel ordered for or performing quarantine or go within the limits appointed by the health officer for the reception of infected persons and property on shore, he or she shall be considered as infected and shall be held to undergo purification in the same manner and under the same regulations and penalties as those who are performing quarantine and shall remain there at his or her own expense until discharged by the health officer and any person coming into any such place having been previously disguised [designated] as a place for infected persons or property or on board any vessel ordered to or performing quarantine and having at the time the lawful flag as hereinafter described hoisted to the mast head without permission of the health officer he may be forcibly detained by the person or persons there employed by the health officer till he shall have undergone purification in the same manner and under the same regulations as those performing quarantine.

SEC. 8. A red flag at least six feet long and four feet wide shall be hoisted from sunrise to sunset at the main truck of any and all vessels ordered for and performing quarantine failing in which the vessel shall be liable to a fine of five hundred dollars, provided, the master or other person having the care and custody of any such vessel shall first be notified of such regulation and have sufficient time and opportunity to procure said flag. A flag as herein before described, shall also be conspicuously displayed at the place designated by the board of health for the reception of infected persons and property on shore in default of which the officer or officers having the control of such infected place shall forfeit his appointment and shall also be liable to a fine of fifty dollars to be recovered before any justice of the peace by any person suing for the same.

SEC. 9. If any master, owner, supercargo, officer, seaman, or consignee of any vessel or any other person knowing such vessel to be subject to quarantine shall bring or suffer the same to be brought to or near any wharf, store or dwelling house or other building not in use for the purpose of the health officer in his official capacity as such or shall make any false declaration as to the port or place from which such vessel came or in regard to the condition and health of any person on board any such vessel or shall cause, aid or permit the landing of any person or property of any nature or kind whatever from such vessel without the permission of the health officer, he shall be punished by

fine not exceeding five thousand dollars or imprisonment not exceeding three months or both.

SEC. 10. If any such vessel shall not be removed to the place of quarantine agreeably to the directions of the health officer or shall be brought near any wharf, store or dwelling house or other building without his permission, the health officer shall cause such vessel to be forthwith removed to such place there to remain at the risk of the owners till expiration of the time limited by the health officer, and the expense of removal shall be paid by the master, owner or consignee who shall severally be liable therefor and may be recovered by the board of health together with costs of suit in any court having jurisdiction.

SEC. 11. The master of every vessel arriving at any port in any county in the Territory of Washington or at any port in the waters bordering on said Territory, having on board any person infected with plague, smallpox or other malignant, infectious or pestilential disease, or who have been so infected during the voyage or having on board any goods which may reasonably be supposed to have any infection of such disease shall forthwith give notice thereof to the health officer, if any such master or other person having charge of such vessel shall neglect to give such notice, he shall be fined not exceeding five thousand dollars or may be imprisoned not exceeding six months or both.

SEC. 12. It shall be the duty of the health [officers] to appoint under the provisions of this act when by them deemed necessary to procure a suitable building, either by lease or construction to be used exclusively by the health officer as a pest house and to approve all necessary expenses of said health officer in procuring a building and keeping the same in proper repair and obtaining necessary furniture therefor, and in carrying into effect the provisions of this act and the county commissioners of any of the several counties of the Territory of Washington constituting said board of health shall appropriate a sufficient sum out of any money in the treasury of said county not otherwise appropriated to pay the health officer a just and reasonable compensation for the services performed in the discharge of his duty as such health officer and the county auditor shall issue an order countersigned by said board of health on the county treasurer who shall pay the same out of any money in the treasury not otherwise appropriated.

SEC. 13. The board of health shall give notice in such manner as they may think reasonable and most for the public good of any and all regulations made by them under the provisions of this act, the expense or cost of which shall be paid out

of the county treasury, and the county auditor is hereby authorized to draw his warrant countersigned by said board of health on the county treasurer for the same who shall pay such bill out of any money in the treasury not otherwise appropriated.

SEC. 14. All fines recovered under the provisions of this act and not otherwise provided for, be and the same shall be paid into the county treasury.

SEC. 15. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 16. This act shall take effect and be in force from and after its passage and approval by the governor; *Provided*, that this act shall in no wise effect, modify or repeal Chapter CLXI of the code of Washington in relation to the prevention or spread of contagious diseases in cities and towns, or Chapter CLIX of said code in relation to the quarantine of vessels or any general or special municipal charter or any general law heretofore enacted upon this subject.

Approved February 2, 1888.

CONVEYANCES.

CHAPTER XXV.

AN ACT

CONCERNING CONVEYANCES OF REAL ESTATE.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That all conveyances of real estate, or of any interest therein, and all contracts creating or evidencing any incumbrance upon real estate shall be by deed.

SEC. 2. A deed shall be in writing, signed by the party bound thereby, and acknowledged by the party making it, before some person authorized by the laws of this Territory to take the acknowledgment of deeds.

SEC. 3. The use of private seals to the signature of the grantor or grantors is hereby abolished, and no private seals shall be necessary to the validity of any deed of real estate in this Territory.

SEC. 4. The term "heirs," or other technical words of inheritance, shall not be necessary to create and convey an estate in fee simple.

SEC. 5. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after the first day of March 1888.

Approved January 31, 1888.

CONVEYANCES.

CHAPTER XXVI.

AN ACT

TO AMEND SECTION SIX AND SEVEN OF AN ACT ENTITLED "AN ACT" CONCERNING CONVEYANCES OF REAL ESTATE AND PROVIDING A FORM FOR DEEDS, MORTGAGES AND CERTIFICATES OF ACKNOWLEDGMENTS, AND DECLARING THE EFFECT THEREOF, "APPROVED" JANUARY 21, 1886.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section six of an act entitled "An act concerning conveyances of real estate and providing a form for deeds, mortgages and certificates of acknowledgments, and declaring the effect thereof," approved January 21st, 1886, be and the same is hereby amended to read as follows: Section 6. Mortgages of land may be in the following form, substantially. The mortgagor (here insert name or names,) mortgages to (here insert name or names of mortgagee or mortgagees) to secure the payment of (here recite the nature and amount of indebtedness, showing when due, rate of interest, and whether secured by note or not) the following described real estate (here insert description,) situated in the county of———Washington Territory, dated this——— day of——— 18——. Every such mortgages, when otherwise properly executed, shall be deemed and held a good and sufficient conveyances and mortgage to secure the payment of the money therein specified. The parties may insert in such mortgage any lawful agreement or condition.

SEC 2. That section seven of said act be and the same is

hereby amended to read as follows: Section 7. A certificate of acknowledgement, substantially in the following form, shall be sufficient.

TERRITORY OF WASHINGTON }
COUNTY OF } ss.

I, (here give name of officer and official title) do hereby certify that on this _____ day of _____ 18____, personally appeared before me (name of grantor, and if acknowledged by wife, her name, and add "his wife,") to me known to be the individual or individuals described in and who executed the within instrument, and acknowledged that he (she or they) signed and sealed the same as his (her or their) free and voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand and official seal this _____ day of _____ A. D. 18____ (signature of officer.)

SEC. 3. This act shall take effect and be in force from and after the first day of March, 1888.

Approved Feb. 1, 1888.

COMMUNITY PROPERTY.

CHAPTER XXVII.

AN ACT

RELATING TO THE CONVEYANCE OR OTHER DISPOSITION OF THE
PROPERTY OF MARRIED PERSONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:*

That a husband may give, grant, sell or convey directly to his wife, and a wife may give, grant, sell or convey directly to her husband his or her community right, title, interest or estate in all or any portion of their community real property: And every deed made from husband to wife, or from wife to husband, shall operate to divest the real estate therein recited from any or every claim or demand as community property and shall vest the same in the grantee as separate property the grantor in all such deeds, or the party releasing such community interest or estate shall sign, seal, execute and acknowledge the deed as a single person without the joinder therein of

the married party therein named as grantee: *Provided, however,* that the conveyances or transfers hereby authorized shall not affect any existing equity in favor of creditors of the grantor at the time of such transfer, gift or conveyance. And, *provided further,* that any deeds of gift conveyances or releases of community estate by or between husband and wife heretofore made but in which the husband and wife have not joined as grantors, said deeds where made in good faith and without intent to hinder, delay or defraud creditors shall be and the same are hereby fully legalized as valid and binding.

SEC. 2. A husband or wife may make and execute powers of attorney for the sale, conveyance, transfer or encumbrance of his or her separate estate both real and personal, without the other spouse joining in the execution thereof. Such power of attorney shall be acknowledged and certified in the manner provided by law for the conveyance of real estate. Nor shall anything herein contained be so construed as to prevent either husband or wife from appointing the other his or her attorney in fact for the purposes provided in this section.

SEC. 3. Any conveyance, transfer, deed, lease or other encumbrances executed under and by virtue of such power of attorney shall be executed, acknowledged and certified in the same manner as if the person making such power of attorney had been unmarried.

SEC. 4. A husband may make and execute a letter of attorney to the wife, or the wife may make and execute a letter of attorney to the husband authorizing the sale or other disposition of his or her community interest or estate in the community property and as such attorney in fact to sign the name of such husband or wife to any deed, conveyance, mortgage, lease or other encumbrance or to any instrument necessary to be executed by which the property conveyed or transferred shall be released from any claim as community property. And either said husband or said wife may make and execute a letter of attorney to any third person to join with the other in the conveyance of any interest either in separate real estate of either, or in the community estate held by such husband or wife in any real property. And both husband and wife owning community property may jointly execute a power of attorney to a third person authorizing the sale, encumbrance or other disposition of community real property, and so execute the necessary conveyance or transfer of said real estate.

SEC. 5. All powers of attorney heretofore made and executed by any married woman joined with her husband and duly acknowledged and certified and all powers of attorney heretofore made or executed by husband or wife to the other, author-

izing the sale or other disposition of real estate, whether separate or community real estate duly acknowledged conformably with the previous sections, and all conveyances heretofore and hereafter executed under and by virtue of such powers of attorney and acknowledged and certified in the manner provided herein, shall be valid and binding; *provided*, that any rights vested in third persons shall not be affected by anything in this section contained.

SEC. 6. All acts and parts of acts in conflict with the provisions herein contained are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved February 2, 1888.

CONVICTS.

CHAPTER XXVIII.

AN ACT

TO PROVIDE FOR THE TRANSPORTATION OF CONVICTS TO THE TERRITORIAL PENITENTIARY AND TO FIX THE COMPENSATION THEREFOR.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the costs of transporting prisoners convicted and sentenced to imprisonment in the Territorial penitentiary, by the laws of this Territory, shall be paid for by the Territory as hereinafter provided.

SEC. 2. That all persons convicted and sentenced to imprisonment in the Territorial penitentiary under the laws of this Territory, shall be conveyed to the Territorial penitentiary by the sheriff or his deputy of the county in which such person or persons were convicted, or by some person appointed by the sheriff as his deputy or guard for that purpose.

SEC. 3. The sheriff or his deputy may by authorization of the court appoint not to exceed one guard for each prisoner so conveyed, which guard or guards shall assist in conveying said prisoners to the penitentiary, and the compensation for the services of said guard shall be three dollars per day, and actual

traveling expenses enroute from and returning to the county seat of the county from which the prisoner is conveyed, by the nearest traveled route while engaged in said service.

SEC. 4. The sheriff or his deputy of the county from which the prisoner is conveyed, shall receive the sum of \$5.00 per day and his actual traveling expenses for the time necessarily employed in conveying prisoners to the penitentiary, computing the time by the nearest traveled route, from the county seat of his county to the penitentiary and return. In addition to his own personal expenses the sheriff or his deputy shall be allowed his actual disbursements necessarily paid out by him for the board and traveling expenses of the prisoner so conveyed, and all the expense and per diem, of the guard as provided in section three of this act, which last named sum shall be paid by the sheriff to the guard in the first instance, and the sheriff or his deputy shall make out an itemized account of his own and the expenses of the prisoner and guard, if there be one, and verify the same by his oath. The account so made out shall be filed with and audited by the territorial auditor, and the same or so much thereof as shall be deemed just and lawful, paid by the Territory.

SEC. 5. The Territorial auditor shall examine the sworn statement of the sheriff or his deputy, and also the certificate of superintendent of the Territorial penitentiary, and if he find the same correct he shall audit the bills and accounts presented or any part thereof, and issue a warrant on the Territorial treasurer, who shall pay the same out of any moneys in the treasury not otherwise appropriated.

SEC. 6. This act to take effect and be in force from and after its passage and approval by the governor.

Approved January 31, 1888.

COMMUTATION.

CHAPTER XXIX.

AN ACT

PROVIDING FOR THE COMMUTATION OF SENTENCE OF TERRITORIAL PRISONERS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Every able-bodied convict confined in the Territorial penitentiary shall perform as many hours of faithful labor

in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison, and every convict faithfully performing such labor, and being in all respects obedient to the rules and regulations of the prison, or if unable to work, yet faithful and obedient, shall be allowed from his term a deduction of one month in each period of six months of the first two years, one and one-half months in each period of six months of the next two years, and two months in each period of six months of the remaining years of said term; *provided*, that any such convict who shall commit an assault upon his keeper, or any overseer, guard, officer, or convict, or otherwise endanger life, or by any flagrant disregard of the rules of the penitentiary, or shall escape or attempt to escape, or any misdemeanor whatever, shall forfeit all deductions of time earned by him for good conduct before the commission of such offense; such forfeiture, however, shall only be made by the superintendent, after due proof of the offense, and notice to the offender; nor shall such forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the superintendent shall be sole judge.

SEC. 2. The rules of commutation fixed in the last preceding section is to be so applied as that any refusal to labor, a breach of the prison rules, or other misconduct, works a forfeiture of the credits of time thus earned, or such part of it as the superintendent may determine, subject to the confirmation or rejection by the governor, on appeal by the prisoner. Unless the governor, on appeal within thirty days thereafter, rejects the forfeiture, it is confirmed. The above provisions apply to all persons now in prison in the Territorial penitentiary, and the commutation must be computed as herein directed, to-wit: Every convict serving a sentence of one or two years shall be allowed one month for each period of six months of his unexpired term of imprisonment and for any number of months less than six he shall be allowed five days for each month; every convict serving the third or fourth year of his term of imprisonment shall be allowed one and one-half months for each period of six months unexpired in said third or fourth year, and for any number of months less than six, he shall be allowed for each month a *pro rata* of one and one-half months in the ratio of one and one-half to six; every convict serving the fifth year of his term of imprisonment, or any year of a longer term of imprisonment than five years, shall be allowed two months for each period of six months of his unexpired term of imprisonment, and for any number of months less than six he shall be allowed ten days for each month.

SEC. 3. That a record of the credits for good behavior

shall be kept in the case of any convict undergoing a sentence in the penitentiary for life, as though said convict were undergoing a sentence for a term of years, such record to be certified by the superintendent to the governor in the case of an application for pardon by said convict.

SEC. 4. The superintendent may make such rules and regulations as may be necessary to carry into effect the provisions of this act.

SEC. 5. At the end of every month the superintendent must report to the governor of the Territory the names of all prisoners whose terms of imprisonment are about to expire by reason of the benefits of the foregoing provisions, giving in such report the terms of their sentences, the date of imprisonment, the amount of total credits to the date of such report, and the date when their service would expire by limitation of sentence. The governor, at the expiration of the term for which any person has been sentenced, less the commutation of time allowed and credited to him, must order the release of such prisoner, by an order under his hand addressed to the superintendent of the penitentiary, in such mode and form as he may decree proper, and with or without restoration to citizenship, according in his discretion.

SEC. 6. When a person is sentenced to imprisonment in the penitentiary, his term of confinement therein commences from the day of his delivery at such prison to the proper officer thereof, and no time during which such person is voluntarily absent from such penitentiary can be estimated or counted a part of the term for which such person was sentenced.

SEC. 7. This act to take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

APPROPRIATION-PROPERTY.

CHAPTER XXX.

AN ACT

TO REGULATE THE MODE OF PROCEEDING TO APPROPRIATE LANDS, REAL ESTATE OR OTHER PROPERTY, BY CORPORATIONS FOR CORPORATE PURPOSES, AND OF ASCERTAINING AND SECURING COMPENSATION THEREFOR.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Whenever any corporation authorized by law to appropriate lands, real estate, premises or other property for right of way, or other corporate purposes, is unable to agree with the owner thereof as to the compensation to be paid therefor, either such corporation, or the owner of such lands, or any person interested in such lands, real estate, premises or other property, may present to the district court of the district, including the county in which any land, real estate, premises or other property proposed to be taken, shall be situated, or to the judge of such district court, a petition in which the lands real estate, premises or other property, sought to be appropriated shall be described with reasonable certainty, and setting forth the name of each and every owner, incumbrancer or other person interested in the same, or any part thereof, so far as the same can be ascertained from the public records. The object for which the land is sought to be appropriated and praying the appointment of three competent, disinterested persons, as commissioners to ascertain and determine the compensation to be made to such owner or owners respectively, and to all tenants incumbrancers and others interested, for the taking or injuriously affecting such lands, real estate, premises or other property.

SEC. 2. A notice stating briefly the objects of the petition, and containing a description of the lands, or property proposed to be taken and stating the time and place, when and where the same will be presented to the court, or the judge thereof, shall be served on each and every person named therein, as owner, incumbrancer, tenant or otherwise interested therein, at least ten days previous to the time designated in such notice, for the pres-

entation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons so named therein, if a resident of the Territory, or in case of the absence of such person, by leaving a copy of such notice at his or her usual place of abode, with some person of over sixteen years. In case of domestic corporations such service may be made upon the president, secretary or any director or trustee of such corporation. In case of minors, on their guardians; or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor, in case of idiots, lunatics or distracted persons, on their guardian, or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In all cases where the owner or person claiming an interest in such real or other property, is a non-resident of this Territory, or where the residence of such owner or person is unknown, and an affidavit by the agent or attorney of the corporation shall be filed that such owner or person is a non-resident of this Territory, or that after diligent inquiry, his residence is unknown or cannot be ascertained by such deponent, service may be made by publication thereof in any newspaper published in the county where such lands are situate, once a week for four successive weeks; and in case no newspaper is published in said county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated. And such publication shall be deemed service upon each of such non-resident person or persons whose residence is unknown. Such notice shall be signed by the president, general manager, secretary or attorney of the corporation; and in case the proceedings provided for in this act, are instituted by the owner or any other person interested in the land, real estate premises or other property, proposed to be taken, then such notice shall be signed by such owner or person interested, or his or her attorney. Such notice may be served by any competent person over twenty-one years of age. Due proof of the service of such notice by affidavit of the person serving the same, or by the printers affidavit of publication, shall be filed with the clerk of such district court, before the presentation of such petition. Want of service of such notice shall render the subsequent proceedings void as to the person not served but all persons having been served with notice as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all other cases not otherwise provided for, service of notices, orders and other papers in the proceedings authorized by this act, may be made as the district court or the judge thereof may direct.

SEC. 3. The court or judge may upon application of the petitioner or of any owner or party interested, for reasonable cause adjourn the proceedings from time to time, and may order new or further notice to be given to any party whose interest may be affected.

SEC. 4. At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the court shall have satisfactory proof that all parties interested in the lands, real estate, premises or other property, described in said petition, have been duly served with said notice as above prescribed and shall be further satisfied by competent proof that the public interest require the prosecution of such enterprise, and that the lands, real estate or other property proposed to be taken, are required and necessary for the purposes of such enterprise, the court may make an order to be recorded in the minutes thereof appointing three competent disinterested persons resident in said district, commissioners to ascertain and determine the amount to be paid by such corporation to each of such owners or persons interested as compensation for his or her damages, by reason of the taking or injuriously affecting any such land or real estate, premises or other property, and specifying the time and place of the first meeting of said commissioners, and fixing their compensation. Before entering upon their duties, such commissioners shall severally take and subscribe an oath, before some person qualified to administer oaths, faithfully and impartially to discharge the duties of their appointment.

SEC. 5. The commissioners shall meet at the time and place mentioned in the order appointing them, and shall proceed to examine so much of the line of the canal, railroad or other improvement named in said petition as is situate in said district, and described in said petition, and all the land, real estate, premises or other property, which will be taken, appropriated or used, by or for the purposes of said enterprise, and which are described in said petition, and shall hear the allegations and testimony of all persons interested, and proceed to make in each case a separate assessment of damages which will result to any parties, corporation or company, by reason of the construction of said canal, railroad or improvement, and shall determine, appraise and award to the owners of such land, property, premises, easement or any other right proposed to be taken or injuriously affected the amount of damages arising to them respectively, from the taking or injuriously affect-

ing their said land, property, premises or estate for the purpose of such enterprise.

SEC. 6. Within twenty days after completing the said examination and the making of the said appraisal of damages, the said commissioners, or a majority of them, shall file a report of their doings in the premises, in the office of the district court embracing the county where the said application for the appointment of said commissioners was made; and if no appeal is taken as hereinafter provided, within thirty days from the filing of such report, the same shall stand confirmed and judgment be entered accordingly.

SEC. 7. Upon the filing of said report, the petitioners, or any officer of, or other person duly appointed by said corporation, may make payment of the damages assessed to the parties entitled to the same, and of the costs of the proceedings, by depositing the same with the clerk of said court, to be paid out under the direction of the judge thereof; and upon making such payment into the court of the damages assessed and allowed, and of the costs, to any tract or parcel mentioned in said affidavit, such railroad company or other corporation shall be released and discharged from any and all further liability therefor, unless upon appeal, the owner should recover a greater amount of damages; and in that case only for the amount in excess of the sum paid into said court, the costs of appeal together with the sum heretofore paid into said court.

SEC. 8. Any person claiming to be entitled to any money paid into the court, as provided in this act, may apply to the court therefor, and upon furnishing evidence satisfactory to the court that he is entitled to the same, the court shall make an order directing the payment to such claimant the portion of such money as he shall be found entitled to; but if, upon application the court should determine that the title to the tract or tracts or other property specified in the application of such claimant was in such condition as to require that an action be commenced to determine the conflicting claims thereto, he shall refuse such order until such action is commenced, and the conflicting claims to such real estate or other property be determined according to law.

SEC. 9. Appeals from the assessments made by the commissioners may be taken and prosecuted in the district court where the report of said commissioners is filed, by any party interested within thirty days from the date of filing such report as aforesaid, and such appeal shall be taken by like notice to parties interested or their attorneys as in appeals from justice courts to the district court; *provided*, however, that no bond shall be required of any person interested in the property sought

to be appropriated by such corporation; but in case the corporation appropriating is appellant it shall give a bond like that prescribed in the next following section, to be executed, filed and approved in the same manner.

SEC. 10. The construction of such road, line or canal, or the prosecution of such improvement, shall not be hindered, delayed or prevented by the prosecution of the appeal; *provided* the corporation execute and file with the clerk of the court in which the appeal is pending, a bond to be approved by said clerk, with sufficient sureties conditioned that the persons executing the same, shall pay whatever amount may be required by the judgment of the court therein, and abide any rule or order of the court in relation to the matter in controversy.

SEC. 11. Appeals shall bring—before the appellate court, the sufficiency of the amount of damages in respect to the parties to the appeal; and unless the parties otherwise agree, the matter shall be submitted to a jury and tried as other appeal cases are tried and the court or jury, as the case may be, shall re-assess the damages aforesaid, making the verdict confirm [conform] to the justice and facts of the case.

SEC. 12. Either party may appeal to the supreme court of the Territory as in other cases; *provided*, that if the owner of the land, real estate or other property, accepts the sum awarded by the commissioners, he shall be deemed thereby to conclusively waive a trial in the district court and appeal to the supreme court and final judgment by default may be rendered in the district court as in other cases.

SEC. 13. The district court, at the time of rendering judgment, for damages, whether upon default or trial, shall also enter up a judgment, or decree of appropriation of the land or right of way in question, thereby vesting the legal title to the same in the corporation for corporate purposes.

SEC. 14. That the remedy provided by this act shall be exclusive of all other remedies.

SEC. 15. No rights acquired in actions now pending under existing laws, shall be affected by anything herein contained; and as to all pending actions, such laws are continued in full force and effect.

SEC. 16. This act shall take effect and be in force from and after its approval by the governor.

Approved February 1, 1888.

CORPORATIONS—POWERS OF.

CHAPTER XXXI.

AN ACT

IN RELATION TO THE POWERS OF CORPORATIONS AND TO AMEND
CHAPTER CLXXXVII OF THE CODE OF WASHINGTON, RELAT-
ING TO THE SAME SUBJECT.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That section 2455 of the code of Washing-
ton be and the same is hereby amended to read as fol-
lows:

Section 2455. A corporation organized for the construc-
tion of any railway, macadamized road, plank road, clay road,
canal or bridge, shall have a right to enter upon any land, real
estate or premises, between the termini thereof for the pur-
pose of examining, locating and surveying the line of such
road or canal, or the site of such bridge, doing no unnecessary
damage thereby.

SEC. 2. That section 2456 of the code of Washington
is hereby amended so as to read as follows:

Section 2456. That such corporation may appropriate so
much of said land, real estate or premises as may be necessary
for the line of such road or canal, or the site of such bridge,
not exceeding two hundred feet in width, besides a sufficient
quantity thereof for toll houses, workshops, materials for con-
struction, a right of way over adjacent lands or premises to
enable such corporation to construct and repair its road, canal
or bridge, and to make proper drains; and in the case of a
railroad, to appropriate sufficient quantity of such lands, real
estate or premises in addition to that before specified in this
section, for the necessary side tracks, depots and water stations,
and the right to conduct water thereto by aqueduct; compen-
sation therefor to be made to the owner thereof, irrespective
of any increased value thereof by reason of the proposed im-
provement by such corporation, in the manner provided by
law; and *provided further*, that if such corporation locate the

bed of such railroad or canal upon any portion of the track now occupied by any established territorial or county road, said corporation shall be responsible to the county commissioners of said county or counties, in which said Territorial or county road so appropriated is located, for all expenses incurred by said county or counties, in relocating and opening the portion of said road so appropriated. //

SEC. 3. That there be and there are hereby added to said Chapter CLXXXVII two new sections to be called sections 2456½, and 2456¾ which shall read as follows:

SEC. 2456½. Every corporation formed under this chapter for the construction of a railroad shall have the power to cross, intersect, join and unite its railway with any other railway before constructed at any point in its route, and upon the grounds of such other railway company, with the necessary turnouts, sidings, switches and other conveniences in furtherance of the object of its connections, and every corporation whose railway is, or shall be hereafter intersected by any new railway, shall unite with the corporation owning such new railway in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in the manner provided by law for the taking of lands and other property which shall be necessary for the construction of its road.

SEC. 2456¾. Every corporation formed under the laws of this Territory for the construction of railroads shall possess the power to construct its railway across, along or upon any river, stream of water, water course, plank road, turnpike or canal, which the route of such railway shall intersect or touch; but such corporation shall restore the river, stream, water course, plank road or turnpike thus intersected or touched, to its former state as near as may be and pay any damages caused by such construction. *Provided*, that the construction of any railway by such corporation along, across or upon any of the navigable rivers or waters of this Territory shall be in such manner as to not interfere with, impede or obstruct the navigation thereof.

SEC. 4. This act shall take effect and be in force from and after its approval by the Governor.

Approved February 1, 1888.

CORPORATIONS—FORMATION OF.

CHAPTER XXXII.

AN ACT

TO AMEND SECTION 2434, CHAPTER CLXXXV, OF THE CODE OF WASHINGTON, RELATING TO THE FORMATION OF CORPORATIONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:*

That section 2434 of the Code of Washington be, and the same is hereby amended by adding thereto the proviso as follows: *Provided, further*, that the provisions of this section shall not apply to the debentures or bonds of any company duly incorporated under the provisions of this chapter; the payment of which debentures or bonds shall be secured by an actual transfer of real estate securities for the benefit and protection of purchasers of said debentures or bonds, such securities to be at least equal in amount to the par value of such bonds or debentures, and to be first liens upon the unincumbered real estate, worth at least twice the amount loaned thereon; *provided further*, however, that such issue of debentures or bonds shall in no case exceed ten times the capital stock of the issuing corporation.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

TELEGRAPH COMPANIES—EMINENT DOMAIN.

CHAPTER XXXIII.

AN ACT

TO AUTHORIZE TELEGRAPH AND TELEPHONE COMPANIES TO EXERCISE THE RIGHT OF EMINENT DOMAIN AND TO PRESCRIBE THE MODE OF APPROPRIATION.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That every corporation incorporated under the laws of this Territory or any State or Territory of the

United States for the purpose of constructing, operating or maintaining any telegraph or telephone in this Territory shall have the right to enter upon any land between the termini of its proposed lines of telegraph or telephone for the purpose of examining, locating and surveying the line of such telegraph or telephone, doing no unnecessary damage thereby.

SEC. 2. Such telegraph or telephone company may appropriate so much land as may be actually necessary for its line of telegraph or telephone, with the right to enter upon lands immediately adjacent thereto, for the purpose of constructing, maintaining and operating its line and making all necessary repair. Such telegraph or telephone company may also, for the purpose aforesaid, enter upon and appropriate such portion of the right-of-way of any railroad company as may be necessary for the construction, maintenance and operation of its telegraph or telephone line; *provided, however*, that such appropriation shall not obstruct such railroad of the travel thereupon, nor interfere with the operation of such railroad.

SEC. 3. Whenever any telegraph or telephone company authorized by this act to appropriate lands or any interest therein for the purposes aforesaid, is unable to agree with the owner thereof as to the compensation to be paid, either such telegraph or telephone company or the owner of the land, may, by petition, in which the land or the interest therein sought to be appropriated shall be described with reasonable certainty, apply to the judge of the judicial district in which said land is situated for the appointment of three disinterested house-holders to assess damages. Such petition may be filed with the clerk of any district court of said judicial district.

SEC. 4. A notice stating briefly the objects of the petition, and containing a description of the lands, or property proposed to be taken and stating the time and place, when and where the same will be presented to the court, or the judge thereof, shall be served on each and every person named therein as owner, incumbrancer, tenant or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons so named therein, if a resident of this Territory, in all other cases the notice may be served in the same manner as summons in civil actions may be served in this Territory and upon proof of service of notice and presentation of

the petition to the judge, the latter shall appoint three disinterested house-holders who shall be residents and electors of said district, and shall direct the clerk of said court to issue a summons under the seal of the court, requiring said house-holders to appear before said judge at a certain place and on a certain day not less than ten nor more than twenty days from the date of making said order, which said summons shall be served upon the house-holders and the opposite party, (unless such party shall have appeared) as other processes in the district court, at least five days before the return day thereof; and the house-holders so summoned, after being sworn faithfully and impartially to examine the property proposed to be appropriated by such company or owner, or both of them, shall assess the damages which, in their judgment, such owner will sustain by the appropriation of such property for the purposes aforesaid, and said house-holders shall make written reports, signed by at least a majority of them, one of which shall be delivered to the petitioner or person authorized to represent the same, one to the owner or his agent, and the other to the clerk of the said district court to be filed.

SEC. 5. Upon the payment to such clerk for the use of the owner of the property sought to be appropriated of the damages assessed by said house-holders, said telegraph or telephone company shall have the right to appropriate such property to its own use for the corporate purposes aforesaid, subject to the action of the district court in regard to damages, as hereinafter provided.

SEC. 6. The clerk of said district court shall immediately file said report, and put the case upon the trial docket of the next term, the petitioner to be plaintiff and the owner to be defendant. If no objection be made, and filed with said clerk by either party to said report or proceedings within ten days after the delivery of the report to said party, the said report shall stand confirmed, and judgment of appropriation shall be rendered accordingly, after payment of the damages, as above provided. But either party may elect to have said cause tried and the parties shall then be at liberty to file the ordinary pleadings in a civil action, or such special proceedings as the court may allow; and the issues thus formed shall be tried as in other civil cases, the costs to be taxed against the telegraph or telephone company only when the verdict and judgment is for a larger amount than was awarded by the house-holders, or the cause has been tried at the instance of such telegraph

company for the purpose of reducing the amount of damages and the damages are not so reduced; otherwise, the costs shall be taxed against the owner of the land.

SEC. 7. Either party may appeal from the judgment of the district court to the supreme court, as in other cases, provided that if the owner of the land accepts the sum awarded by the house-holders, he shall be deemed thereby to conclusively waive a trial in the district court or appeal to the supreme court, and final judgments shall be rendered against him, as in other cases.

SEC. 8. The district court, at the time of rendering judgment for damages, whether upon default or trial, shall also enter up judgment for the appropriation of the property which judgment shall be deemed to vest the title to the same in the telegraph or telephone company for the uses above stated which are hereby declared to be public.

SEC. 8 [9]. This act shall take effect and be in force from and after its passage.

Approved February 1, 1888

COUNTY SEATS.

CHAPTER XXXIV.

AN ACT

TO PROVIDE FOR THE LOCATION OF COUNTY SEATS IN COUNTIES
WHERE THE SAME HAVE NOT ALREADY BEEN LOCATED.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That it in all counties in this Territory in which there has been no county seat determined and located, the said counties may have the same determined and permanently located in the manner provided in this act.

SEC. 2. That whenever in the opinion of the county commissioners of any such county it may be necessary or

whenever a petition signed by one hundred free holders of such county, asking that a county seat be located under the provisions of this act, the county commissioners shall call a special election of the qualified voters of such county, at which election the question of the permanent location of the county seat of such county shall be voted upon.

SEC. 3. It shall be the duty of the county auditor of such county upon the issuance of the call for such special election, by the county commissioners as provided in section 2 of this act, to give notice thereof by the publishing in the official newspaper of the county for at least four weeks successively next prior to the date of such election, and posting in ten conspicuous places in the county for a period of thirty days.

SEC. 4. Such notice shall contain the object for which such special election is to be held and the date of the holding of the same.

SEC. 5. The polling places at such election shall be the same as those designated at last general election and the county commissioners shall provide for and appoint Inspectors and judges for such election, in the same manner as now provided by law in general elections, and the general election law so far as the same may be applicable shall govern in such election.

SEC. 6. The ballots for such elections shall be written or printed or partly printed and partly written and substantially as follows: For county seat, the city (or town) of and by such ballot the elector shall designate the city or town for which he desires to cast his vote for county seat; *provided*, that it shall not be necessary that the ballots at such election shall be larger in size than two inches by three inches.

SEC. 7. The vote cast at such special elections shall be counted, canvassed, certified and returned in the same manner as at general elections; *provided*, that the county auditor shall return the result of such election to the county commissioners who shall meet and declare and enter the result upon their records.

SEC. 8. The city or town receiving the highest number of votes, such number being not less than a majority of all the votes cast at the said election shall be the county seat of such county.

SEC. 9. If upon a canvass of the votes cast at said election, no city or town shall have received a majority of all the votes cast, the question of the relocation of the county seat may be again submitted to the qualified voters of such county at the general election next succeeding the special election herein before provided for, and it shall be the duty of the county auditor to give like notice as provided in sections 3 and 4 hereof; *provided however*, that at said general election, the electors of such counties shall designate by their ballots as herein provided, their choice for county seat between the two places receiving the highest number of votes at the special election herein above provided for, and no ballots cast for any other city or town shall be considered or counted but shall be deemed void and of no effect, and the city or town receiving the highest number of votes at said general election shall be the county seat. The ballots cast at said general election shall be canvassed, certified and returned and the result declared as provided in section 7 of this act.

SEC. 10. It shall be the duty of the several county officers, whose offices are required by law to be kept at the county seat, to remove their respective offices, files, records, office fixtures, furniture and all public property, pertaining to their respective offices to the county seat designated by the electors, within sixty days after such county seat shall have been designated by the electors under the provisions of this act.

SEC. 11. This act to take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

COUNTY OF OKANOGAN.

CHAPTER XXXV.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF OKANOGAN.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That all of that part of Stevens county, beginning at the intersection of the 49th parallel with the

range line between ranges 31 and 32 east, and from thence running in a southerly direction on said range line to the intersection of the said range line with the Columbia river and thence down said river to the confluence of Wenatchee river and thence up the said river and along the present western boundaries of Stevens county to the 49th parallel and thence on the said parallel to the place of first beginning, shall be and constitute the county of Okanogan.

SEC. 2. That William Granger, Guy Waring and George Hurley are hereby appointed a board of county commissioners with power to appoint all necessary county officers to perfect the organization of the said county; said officers to serve until the first Monday in March, 1889 or until their successors are elected and qualified and also with the power to locate the county seat of the said county until the same is permanently located by an election as hereinafter provided. That said commissioners shall, for the purpose of organizing said county, meet at the house of John Perkins, at the head of Johnson creek, in said county, on the first Tuesday in March, 1888, and there organize the said county and elect the officers of the said county and locate the county seat temporarily as herein before provided.

SEC. 3. That at the next general election, the qualified voters of said county shall determine the location of the county seat for said county. That said county seat shall be located at a place receiving the highest number of votes at said election. That the said election shall be held in every way and under the same provisions of law as that for the election of county officers. That the sheriff, auditor and probate judge shall constitute a board whose duty it shall be to canvass the votes upon said question of location. That for this purpose they shall meet upon the third Tuesday after the election at 10 o'clock, A. M., at the office of the county auditor of said county, and proceed to canvass said votes. That they shall thereafter immediately certify the result of the said election to the county commissioners of the said county whose duty it shall be at the first regular meeting after such certificate shall be filed with the clerk of the said board, to cause the county seat to be removed to the place designated in the said certificate, as the place receiving the highest number of votes at said election and they shall, at said place provide offices for the several county officers, and the said place receiving the highest number of votes shall thereafter

be considered for all purposes as the county seat of the said county.

SEC. 4. That the justices of the peace and constables, who are elected as such, in the precincts in the county of Stevens included in the territory of the county of Okanogan, shall be and are hereby declared justices of the peace and constables of the said county of Okanogan.

SEC. 5. That the county of Okanogan is hereby united to the county of Stevens for legislative purposes.

SEC. 6. All special laws applicable to the county of Stevens, shall be and remain equally applicable to the county of Okanogan.

SEC. 7. The county of Okanogan shall be attached to the county of Spokane for judicial purposes.

SEC. 8. That all the taxes levied and assessed by the board of county commissioners of the county of Stevens for the year 1887 upon persons or property within the boundaries of the said county of Okanogan shall be collected and paid into the treasury of the county of Stevens; *provided, however*, that the said county of Stevens shall credit said county of Okanogan, with the amount of money collected for the taxes for said year from the persons and from the property situated within the boundaries of the county of Okanogan in the adjustment of the debt of the said county of Stevens between said county and the county [of] Okanogan, and the surplus, if any there be, shall be paid to the county of Okanogan.

SEC. 9. That the county commissioners of said county immediately upon the organization thereof shall take steps to procure a transcript of all records of the said county of Stevens appertaining to the county of Okanogan, and the said county commissioners shall be authorized to hire said transcript to be made and the person so employed by the said commissioners shall have access to the records of Stevens county without cost, for the purpose of transcribing and indexing such portions of the records as belong to the county of Okanogan and such records shall be certified as correct by the auditor of Stevens county and thereafter shall be filed in the office of the auditor of Okanogan county and shall constitute and be records of said county as fully as if the same had been originally made therein and the certificate of the auditor of the said county shall be accepted in any court of law or in any legal proceeding whatever as if the said certificate was made to the original record.

SEC. 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after passage and approval by the governor.

Approved February 2, 1888.

COUNTY—LEWIS.

CHAPTER XXXVI.

AN ACT

DEFINING THE BOUNDARY LINES OF LEWIS COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the boundary lines of Lewis county shall be as follows, to wit: Beginning at the northwest corner of section eighteen, in township number fifteen north, range five west, thence south along the west boundary of range five west, to the southwest corner of township eleven north, range five west, thence east along south boundary of township eleven north, to the summit of the Cascade Range, thence northerly along said summit to the head of Nesqually River, thence westerly down the channel of said river to a point two miles north of the line between townships fourteen and fifteen north, thence west to the northwest corner of section twenty-six, in township fifteen north, range four west, thence north two miles to the northwest corner of section fourteen in township fifteen north, range four west, thence west to place of beginning.

SEC. 2. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 31, 1888.

COUNTY—DOUGLAS.

CHAPTER XXXVII.

AN ACT

LEGALIZING THE ACTS OF THE COUNTY OFFICERS OF DOUGLAS COUNTY,
WASHINGTON TERRITORY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That all acts of all county officers of Douglas county, Washington Territory, done either at Okanogan or at Waterville, in said county, since the second day of November, A. D., 1886, so far as said acts affect or are affected by the location of the county seat of the said Douglas county, be and the same are hereby declared and made legal.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved January 31, 1888.

COUNTIES, ETC., AUTHORIZED TO CREATE INDEBTEDNESS.

CHAPTER XXXVIII.

AN ACT

AUTHORIZING INDEBTEDNESS TO BE CREATED BY COUNTIES, CITIES, SCHOOL DISTRICTS AND INCORPORATED TOWNS, AND IN RELATION THERETO, AND TO REPEAL AN ACT ENTITLED "AN ACT TO AMEND SECTION 2683 OF THE CODE OF WASHINGTON TERRITORY, APPROVED FEBRUARY 3, 1886."

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That counties, cities, school districts and incorporated towns or villages are hereby authorized to create indebt-

edness in any amount not to exceed four per centum on the value of the taxable property of such county, city, school district or incorporated town or village, to be ascertained by the last assessment.

SEC. 2. That all existing indebtedness and contracts incurring the same, of any county, city, school district or incorporated town or village not exceeding four per centum on the value of the taxable property of such county, city, school district or incorporated town or village, to be determined by the last assessment previous hereto [thereto], to [are] hereby legalize [legalized] and declare [declared] valid.

SEC. 3. That hereafter such indebtedness shall not be created in excess of one per centum upon the assessed valuation of property, except for the purposes of purchasing, paying for or constructing public buildings for the use of such counties, cities, school districts or incorporated towns or villages, or for the purpose of purchasing, paying for, or constructing water works, or providing means of protection against fire, or providing cemeteries, parks, fair grounds, street railways, bridges, and for street improvements in any city or incorporated town or village, or for the purpose of lighting the same; or for the purpose of providing fair grounds for any county; and as to such, excess shall only be created when authorized by a vote of the qualified electors of such county, city, school district or incorporated town or village.

SEC. 4. Whenever in the opinion of the county commissioners of any county, the directors of any school district, the city council or board of aldermen or trustees of any city or incorporated town or village, the public good requires the incurring of any such indebtedness in excess of such one per centum for any of the foregoing authorized purposes, they shall estimate the cost thereof and submit the same to a vote of the qualified electors of such county, city, school district or incorporated town or village, at a general or special election, which election shall be held in the usual manner of general elections, after giving four weeks' notice by publication in some newspaper published in such county, city, school district or incorporated town or village, and of general circulation therein; and in case there should be no newspaper published in such county, city, school district or incorporated towns or villages, then in the nearest one published thereto, and of general circulation therein; and if a majority of the voters at such election favor such tax, the same shall be assessed and collected in the same manner that other taxes are collected.

SEC. 5. That the act entitled "an act to amend section 2683

of the code of Washington Territory," approved February 3d, 1886, be and the same is hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage and approval.

Approved February 1, 1888.

COURTS—TO BE AT COUNTY SEATS.

CHAPTER XXXIX.

AN ACT

REQUIRING COURTS OF RECORD IN WASHINGTON TERRITORY TO HOLD THEIR TERMS AT THE COUNTY SEATS OF THE SEVERAL COUNTIES WHERE TERMS ARE HELD UNDER EXISTING LAWS OR MAY BE HELD UNDER FUTURE PROVISIONS OF LAW.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That all courts of record shall hold their terms of court at the county seats of the respective counties in this Territory where courts of record have been held under existing provisions of law, or may be held under future provisions of law; *provided*, that this act does not create any further or additional court than is now established by law, and that this act shall not be construed as abolishing any court of record or the holding of terms of any court of record in any county in this Territory where the same were held under laws existing immediately prior to the passage of this act, but shall be construed as expressly requiring said courts to be held at the county seats of all counties where courts were or may be hereafter held under provisions of law. Justice courts not being considered courts of record under the provisions of this act.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed. This act to take effect and be in force from and after its passage and approval.

Approved January 12, 1888.

COURTS—1st AND 2d DISTRICTS.

CHAPTER XL.

AN ACT

TO AMEND SECTIONS THREE AND FIVE OF AN ACT ENTITLED, "AN ACT TO AMEND CHAPTER CLV OF THE CODE OF WASHINGTON TERRITORY, ENTITLED COURTS." APPROVED JANUARY 9TH, 1886.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section three of an act entitled "an act to amend chapter CLV. of the Code of Washington Territory entitled courts," be amended to read as follows: Section three. That section 2115 of said chapter one hundred and fifty-five of the Code of Washington Territory shall be amended to read as follows: "Section 2115. Regular terms of Court shall be held at Dayton on the first Monday in February and the first Monday in June of each year; at Pomeroy on the third Monday in March and the first Monday in October of each year; at Walla Walla on the first Monday in May and the first Monday in November of each year; at Colfax on the third Monday in June and the second Monday in December of each year; and at Asotin on the first Monday in April and the third Monday in October of each year.

SEC. 2. That section five of said act be amended to read as follows: Section five. That section 2117 of said chapter one hundred and fifty-five Code of Washington Territory shall be amended [so] as to read as follows: Section 2117. Regular terms of court shall be held at Chehalis on the first Monday in February and on the third Monday of August of each year; at Tacoma on the fourth Monday of February, the fourth Monday of June, and the fourth Monday of September of each year; at Vancouver on the first Monday of April and the second Monday of November of each year; at the county seat of Cowlitz county on the fourth Monday of April and the fourth Monday of October of each year; at Olympia on the first Monday of June and the first Monday of December of each year; at Oysterville on the last Monday in March and on the last Monday of August of each year; *provided*, that no grand or petit jury shall be summoned to attend at the term of court held on the last Monday in March unless the court direct a grand or petit jury to be summoned, in

which case an open venire shall issue to bring in such grand or petit jury; at the county seat of Chehalis county on the second Monday of September and on the second Monday of May of each year; *provided*, that no grand or petit jury shall be summoned to attend at the term of court held on the second Monday in May unless the court direct a grand or petit jury to be summoned, in which case an open venire shall issue to bring in such grand or petit jury.

SEC. 3. This act shall take effect and be in force from and after the first day of March A. D. 1888.

Approved February 1, 1888.

COURTS—UNITED STATES,

CHAPTER XLI.

AN ACT

TO AMEND SECTION 2122 OF CHAPTER 155 OF THE CODE OF WASHINGTON, ENTITLED "COURTS," AS THE SAME WAS AMENDED BY SECTION 10 OF AN ACT OF THE LEGISLATIVE ASSEMBLY OF WASHINGTON TERRITORY, ENTITLED "AN ACT TO AMEND CHAPTER 155 OF THE CODE OF WASHINGTON TERRITORY, ENTITLED 'COURTS,' APPROVED JANUARY 9, 1886."

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 2122 of chapter one hundred and fifty-five, code of Washington Territory, as amended by section 10 of an act entitled "an act to amend chapter 155 of the code of Washington Territory entitled 'courts,' approved January 9, 1886," be and the same is hereby amended so as to read as follows: Section 2122. That the courts held at Walla Walla, Colfax and Pomeroy, shall have jurisdiction over all offences against the laws of the United States arising in the first judicial district, and of all actions to which or in which the United States is a party. The courts held at Vancouver, Olympia and Tacoma shall have jurisdiction of all offences against the laws of the United States arising in the second judicial district, and of all actions in which and to which the United States is a party. The courts held at Seattle, Whatcom and Port Townsend, shall have jurisdiction of all offences against the laws of the

United States arising in the third judicial district, and of all actions in which or to which the United States is a party. The courts held at the county seat of Yakima county, at the county seat of Spokane county and at Colville, shall have jurisdiction of all offences against the laws of the United States arising in the fourth judicial district, and of all actions to which or in which the United States is a party.

SEC. 2. That civil and criminal actions now pending and undecided in the district court now held at Sprague shall be and they are hereby transferred to the district court holding terms at the county seat of Spokane county, and the clerk of the court at Sprague shall certify the records and transfer the original pleadings and papers in such cases under the same regulations as now govern in other cases in regard to change of the place of trial from one district court to another district court.

SEC. 3. All acts or parts of acts in conflict with this act be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its approval.

Approved February 2, 1888.

Courts--Douglas County.

CHAPTER XLII.

AN ACT

TO CREATE A DISTRICT COURT OF THE COUNTY OF DOUGLAS, AND
DEFINING THE JURISDICTION THEREOF.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That a court be and the same is hereby created and established within the county of Douglas, to be called and known as the district court of Douglas county.

SEC. 2. That the said district court shall have jurisdiction within said county of all matters, actions and causes, except those in which the United States shall be a party, in the same manner and to the same extent as other district courts in the fourth judicial district have, and all proceedings therein shall be governed by, and subject to, the same laws, rules and regulations, in all respects, as other district courts in said district.

SEC. 3. That the said district court shall be held by the judge of the fourth judicial district, and said judge shall appoint a clerk of said court, who shall, before entering upon the duties of such office, take and subscribe an oath to faithfully discharge the same, and shall give a bond or other security, in such sum and manner as the judge of said court may direct, and shall keep his office at the county seat of said county.

SEC. 4. The regular term of said court shall be held at Waterville, the county seat of said county, on the second Monday of September in each year, and shall hold until the business of the term is transacted, unless sooner adjourned by the court.

Approved January 28, 1888.

COURT—KITSAP COUNTY.

CHAPTER XLIII.

AN ACT

TO CREATE A DISTRICT COURT FOR THE COUNTY OF KITSAP,
AND TO DEFINE THE JURISDICTION THEREOF.

Be it enacted by the Legislative Assembly of the Territory of Washington :

That a court be and the same hereby is created and established within the county of Kitsap, to be called and known as the district court of Kitsap county.

SECTION 1. That the said district court shall have jurisdiction within said county to hear and determine all matters, actions and causes, excepting those in which the United States are a party, in the same manner and to the extent as other courts have in the third judicial district, and all proceedings therein shall be governed and be subject to the same laws, rules and regulations, in all respects, as other district courts in said district are.

SEC. 2. That the said district court shall be held by the judge of the third judicial district, and said judge shall appoint a clerk of said court, who shall, before entering upon the duties of said office, take and subscribe an oath to faithfully discharge said duties, and shall give a bond or other security in such form as the judge of said court may direct, and shall keep his office at the county seat of said county.

SEC. 3. The regular terms of said court shall be held at Port Madison, the county seat of said county, commencing on the third Monday of April and the third Monday of November of each year, until the business of such term is transacted, unless sooner adjourned by the court.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 2, 1888.

COURT—KITITAS COUNTY.

CHAPTER XLIV.

AN ACT

TO AMEND SECTION 8 OF AN ACT ENTITLED AN ACT CREATING AND CONFERRING JURISDICTION UPON THE DISTRICT COURT OF THE COUNTY OF KITITAS, APPROVED NOVEMBER 26, 1883.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION. 1. That section 8, of an act "creating and conferring jurisdiction upon the district court of the county of Kittitas, approved November 26, 1883" be amended to read as follows: Section 8. The manner of selecting and drawing jurors for the said court and the number of the jurors, grand and petit, and the manner of summoning the same, shall conform to the general laws of this Territory upon these subjects.

SEC. 2. That all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after the 20th day of April, 1888.

Approved February 2, 1888.

DEAF MUTE—BUILDINGS.

CHAPTER XLV.

AN ACT

TO PROVIDE FOR THE ERECTION OF A BUILDING OR BUILDINGS FOR THE WASHINGTON SCHOOL FOR DEFECTIVE YOUTH NEAR VANCOUVER, IN CLARKE COUNTY, AND TO APPROPRIATE MONEY THEREFOR.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That it shall be the duty of the governor within fifteen days after the approval of this act, to appoint, by and with the consent of the council, three competent persons, residents of this Territory, not more than two of whom shall belong to the same political party, who shall constitute a board of commissioners for the construction of a suitable building or buildings at Vancouver, in Clarke county, for the Washington School for Defective Youth, under the provisions of this act, and whose terms of office shall be two years, and until their successors are appointed and qualified; *provided* that the governor shall have power to remove any member of said commission, for what he may deem good and sufficient cause.

SEC. 2. That each of said commissioners, before entering upon the duties of his office shall take and subscribe an oath before any officer of the Territory, qualified to administer same, that he will faithfully and impartially perform the duties of his office according to law, and shall execute and deliver to the governor a bond to the Territory of Washington with two or more good and sufficient sureties to be approved by the governor, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties according to law; which oath and bond shall be filed in the office of the secretary of the Territory.

SEC. 3. That the persons appointed as commissioners under the provisions of this act, or a majority of them, shall meet at Vancouver on the first Monday of April, 1888, and shall organize by electing one of their number president and one of their number secretary.

SEC. 4. That should a vacancy occur in said board of commissioners by failure to qualify, death, resignation, or other cause, the governor shall appoint some suitable person, a resident of this Territory, to fill such vacancy, and the person so appointed

shall qualify, according to the provisions of this act, and shall enter upon the duties of commissioner as herein provided.

SEC. 5. That it shall be the duty of the president of the board, to preside at the meetings thereof and to superintend the performance of all contracts for labor and material, which may have been authorized by the board: to see that the terms of each contract are fulfilled, and to do and perform such other duties, pertaining to the erection of said school building for defective youth, as the board may direct; *provided* that no member of the board shall be interested directly or indirectly in any contract of any kind, connected with the erection of said school building for defective youth during his continuance in office, under a penalty of three thousand (\$3,000) dollars, to be prosecuted, and collected of him and his sureties upon his official bond, upon an action of debt brought under the direction of the governor, in any court of competent jurisdiction.

SEC. 6. That all accounts shall be audited by the territorial auditor, and no money shall be paid by the territorial treasurer, for any purpose connected with the erection of said school building for defective youth, except on a warrant or warrants drawn on him by the territorial auditor, for the payment of bills certified to by the said board of commissioners; and every such warrant shall express upon its face, whether the amount so required is for material furnished or services rendered, or labor performed, and the board shall in no case sanction the payment of any money unless the labor has been performed or the materials have been furnished in accordance with a contract entered into under the provisions of this act, for which any such payment is contemplated, and it shall be the duty of the territorial treasurer to pay all warrants drawn by said territorial auditor as herein provided out of any money in his hands not otherwise appropriated.

SEC. 7. That the board of commissioners, shall proceed with as little delay as possible, to erect a suitable school building or buildings, of brick or stone, in accordance with the plan or plans thereof which may be adopted by said board or a majority thereof; *provided* that a plan shall be adopted for a complete school building or buildings, capable of accommodating, when finished, one hundred pupils or more; and that, if the appropriation hereinafter provided for is not sufficient for the erection of the whole building or buildings, such portion thereof shall be first built and finished for the occupation of pupils as shall, in the judgment of the board, be deemed most expedient.

SEC. 8. Said commissioners shall receive a deed of conveyance in fee simple, clear of all encumbrances, in trust for the people of Washington Territory, for 17 7-100 acres of land in

the vicinity of the city of Vancouver, more particularly described as follows, to-wit: Beginning at a point 2 25-100 chains east and 10 88-100 chains south of the $\frac{1}{4}$ sec. cor. between secs. 25 and 26 of Tp. 2 W., R. 1 E. of W. M., and running thence E. 10 62-100 chs., thence S. 16 38-100 chs. to the Vancouver and Fishers' Landing road, thence along said road N. 73 deg. W. 9 92-100 chs., thence N. 14 64-100 chs. to the place of beginning; and upon which land the said building or buildings for the school for defective youth shall be erected.

SEC. 9. That all contracts and all work thereunder, of whatever nature, shall be under the supervision and control of said board; and no contract shall be entered into for materials or labor for the erection of said school building or buildings for defective youth until approved by said board or a majority thereof, nor until the said board shall first have given notice by publication in four or more leading weekly newspapers published in this Territory with general circulation for four consecutive weeks, inviting sealed proposals for labor and furnishing the necessary materials, for the fulfilment of the proposed contracts, and specifying the character and amount of the bond which will be required for the faithful fulfilment of the conditions of said contracts, and in all cases contracts shall be awarded by the board to the lowest responsible bidder, who will give the required security; *provided*, that should there be one bid only, the approval of every member of the board shall be necessary to complete the proposed contract; *provided, also*, that the said board may reject any or all bids at their discretion, when deemed too high, and again advertise for proposals as before provided, and no recourse shall be had against the said board for any damages arising by reason of their refusing any bids or contract.

SEC. 10. That the board of commissioners shall have an office at Vancouver, and after the first meeting, as in this act provided, they shall meet at such times as they may elect.

SEC. 11. Each member of the board of commissioners shall receive his actual necessary traveling and incidental expenses incurred while engaged in the performance of the duties of commissioner, but none of the members of said board of commissioners shall receive, or be entitled to receive, any compensation or per diem for the discharge of the duties of such commissioner.

SEC. 12. That for the purposes of carrying out the provisions of this act, there is hereby appropriated from funds in the territorial treasury, not otherwise appropriated, the sum of thirty thousand (\$30,000) dollars, or so much thereof as may be necessary.

SEC. 13. That all acts and parts of acts in conflict herewith be and the same are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 26, 1888.

DEAF MUTE SCHOOL—APPROPRIATIONS.

CHAPTER XLVI.

AN ACT

APPROPRIATING MONEY FOR THE SUPPORT OF THE WASHINGTON SCHOOL FOR DEFECTIVE YOUTH, AND TO MEET AN INDEBTEDNESS ARISING FROM INADEQUATE APPROPRIATION HERETOFORE MADE.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SEC. 1. That there be, and hereby is, appropriated out of any money in the territorial treasury, not otherwise appropriated, the sum of twelve thousand [12,000] dollars to defray the expenses of the Washington School for Defective Youth from the first day of April A. D., 1888 to the second day of April, A. D., 1890, and to meet an indebtedness arising from inadequate appropriation heretofore made; said money to be paid to the treasurer of the board of trustees of said school as follows, to wit: One thousand eight hundred (1800) dollars on the first day of July A. D., 1888; fourteen hundred (1400) dollars on the October 1st, A. D., 1888; fourteen hundred (1400) dollars, on January 1, 1889; fourteen hundred (1400) dollars on April 1st, A. D., 1889, and the balance thereof in equal installments of fifteen hundred (1500) dollars on the first day of July and October, A. D., 1889 and January and April, A. D. 1890.

SEC. 2. The territorial auditor is hereby directed to draw his warrant upon the territorial treasurer in favor of the treasurer of the board of trustees of said Washington School for Defective Youth at the times and for the amounts as set forth in section one of this act, and the territorial treasurer is hereby di-

rected to pay the same; *provided*, that the money hereby appropriated shall only be expended in accordance with provisions of the act entitled "an act to establish a school for the deaf, mute, blind and simple, feeble minded youth of Washington Territory," approved Feb. 3, 1886; *provided further*, that the trustees of said institution, shall render a full and detailed statement of expenditure of all moneys appropriated by this act, to the governor at the next meeting of the Legislative Assembly, or at any time he may demand the same.

SEC. 3. All acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage, and approval by the governor.

Approved January 28, 1888.

DEAF MUTE SCHOOL—OFFICERS.

CHAPTER XLVII.

AN ACT

TO AMEND SECTIONS 15 AND 28 OF AN ACT ENTITLED "AN ACT TO ESTABLISH A SCHOOL FOR THE DEAF, MUTE, BLIND AND FEEBLE MINDED YOUTH OF WASHINGTON TERRITORY." APPROVED FEBRUARY 3, 1886.

Be it enacted by the Legislative Assembly of Washington Territory:

SECTION 1. That section 15 of act entitled "An act to establish a school for the deaf, mute, blind and feeble minded youth of Washington Territory, approved February 3, 1886, be amended to read as follows :

Sec. 15. The regular annual meeting of the board of trustees shall be held at the school on the last Wednesday of May in each year, at which meeting a president, a vice-president and a treasurer shall be elected by ballot from the board, and an auditor not of the board, each to serve one year from the first day of July following ; and any other business proper to come before said meeting may be transacted; *provided*, that at the regular meeting to be held on the last Wednesday of May, 1888, the trustees shall elect a director of the school not of their own

number, who shall hold his office until removed for cause as provided in this act.

SEC. 2. That section 28 of said act be amended to read as follows : Sec. 28. The director may be removed at any time by a three-fifths vote of the full board of trustees for misconduct, incapacity, mismanagement, inefficiency or immorality.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

DENTISTRY—REGULATION OF.

CHAPTER XLVIII.

AN ACT

TO REGULATE THE PRACTICE OF DENTISTRY AND TO PROTECT THE PEOPLE AGAINST EMPIRICISM IN RELATION THERETO IN THE TERRITORY OF WASHINGTON.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That from and after the passage of this act it shall be unlawful for any person to engage in the practice of dentistry in the Territory of Washington, unless said person has graduated and received a diploma from the faculty of a dental college chartered under the authority of some one of the United States or foreign governments, or shall have obtained a certificate from a board of dentists duly authorized and appointed by the provisions of this act to issue such certificate.

SEC. 2. That a board of dental examiners, consisting of five practicing dentists, be hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this act. The members of said board of dental examiners shall be appointed and commissioned by the governor of the Territory. Their terms of office shall be for two years, and until their respective successors shall be duly appointed and commissioned. All vacancies occurring in said board of examiners may be filled by the governor at any time. The said board of examiners shall be appointed by the governor on or before the first Monday in

February. The term of office shall begin the first Monday in March, excepting that the term of the first board shall begin from the time they are appointed and commissioned; each member of said board shall take the following oath before entering upon the duties of said office:

TERRITORY OF WASHINGTON, }
County of..... } ss.

I,.....do solemnly swear that I will support the constitution and laws of the United States of America, and the laws of Washington Territory and the organic act thereof, and that I will faithfully perform the duties of the office upon which I am about to enter, so help me God.

[Signed].....

SEC. 3. Said board shall choose one of its members president and one the secretary thereof, and it shall meet at least once in each year, or oftener, at the call of any three members of said board. Thirty days' notice must be given of the time and place of meeting of said board, said notice to be mailed to all practicing dentists in the Territory. Three members of said board shall constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

SEC. 4. Within three months from the time this act takes effect, it shall be the duty of every person, who is at the time of the passage of this act engaged in the practice of dentistry in this Territory, to cause his or her name and residence, or place of business, to be registered with said board of examiners, who shall keep a book for that purpose. The statement of every person shall be verified under oath before a notary public or justice of the peace in such manner as may be prescribed by the board of examiners. Every person who shall so register with said board as a practitioner of dentistry shall receive a certificate to that effect, and may continue to practice as such without incurring any of the liabilities or penalties provided in this act, and shall pay to the board of examiners for such certificate a fee of two dollars and fifty cents.

SEC. 5. Any and all persons who shall so desire may appear before said board at any of its regular meetings and be examined with reference to their knowledge and skill in dental surgery, and if the examination of any such person or persons shall prove satisfactory to said board, the board of examiners shall issue to such persons as they shall find to possess the requisite qualifications to practice dentistry a certificate to that effect, in accordance with the provisions of this act. Said board shall also endorse as satisfactory, diplomas from any reputable dental

college, when satisfied with the character of such institution, upon the holder furnishing evidence satisfactory to the board of his or her right to the same, and shall issue a certificate to that effect upon the payment of two dollars and fifty cents to said board for said certificate. All certificates issued by said board shall be signed by its officers and stamped with the seal of said board, and such certificates shall be prima facie evidence of the right of the holder to practice dentistry in the Territory of Washington.

SEC. 6. Any person who shall practice dentistry contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, may be fined in any sum not less than fifty dollars nor more than two hundred dollars, or be confined for any period not exceeding six months in the county jail, for each and every offense. All fines recovered under this act shall be paid into the common school fund of the county in which the conviction is had.

SEC. 7. In order to provide the means for carrying out and maintaining the provisions of this act, the said board of examiners shall charge each person applying to or appearing before them for examination for a certificate of qualifications, a fee of twenty-five dollars, which fee shall in no case be returned; and out of the funds coming into possession of the board from the fees so charged, the sum of five dollars for each day actually engaged in the duties of their office and all legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees and penalties received by the board under the provisions of this act, and no part of the salary or expenses of said board shall ever be paid out of the Territorial treasury. All moneys received in excess of salaries and expenses as above provided for shall be held by the secretary of said board as a special fund for meeting the expenses of said board and carrying out the provisions of this act, he giving such bond as the board may from time to time direct; and said board shall make an annual report of its proceedings to the governor on or before the 15th day of October of each year, together with an account of moneys received and disbursed by them pursuant to this act.

SEC. 8. Any person, who shall receive a certificate from said board to practice dentistry, shall cause his or her certificate to be registered with the county auditor of the county in which such person may desire to engage in the practice of dentistry, and the recorders of deeds in the several counties in this Territory shall be entitled, for registering such certificates, to a fee of one dollar. Any failure, neglect or refusal on the part of any person holding such certificate to register the same with the

recorder of deeds as above directed, for a period of six months, shall work a forfeiture of the certificate, and no certificate, when once forfeited, shall be restored, except upon payment to said board of examiners of the sum of twenty-five dollars as a penalty for such neglect, failure or refusal.

SEC. 9. Any person, who shall knowingly and falsely claim or pretend to have or to hold a certificate of license, diploma or degree granted by any society, or who shall falsely, or with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, shall be deemed guilty of a misdemeanor, and shall be liable to the same penalties as provided in section six of this act.

SEC. 10. Any two members of the board of examiners shall issue a temporary certificate to any applicant upon the presentation by such applicant of the evidence of the necessary qualifications to practice dentistry; such temporary certificate shall remain in force until the regular meeting of said board, occurring next after the date of such temporary certificate, and no longer; but such temporary certificate shall not be granted by any two members of said board after said board has rejected the applicant. All members of the board of examiners shall, at each regular meeting of said board, make a report of such temporary certificates issued by them.

SEC. 11. This act shall take effect and be in force from and after its passage and approval.

Approved January 28, 1888.

DYKES AND DAMS—CONSTRUCTION.

CHAPTER XLIX.

AN ACT

TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF
DIKES AND DAMS IN CERTAIN CASES.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That boards of county commissioners in this Territory may establish dyking districts and provide for the construction and maintenance of dikes and dams in certain cases as hereinafter provided.

SEC. 2. Whenever ten or more owners of marsh lands adjoining and contiguous, subject to overflow from tide water or river freshet, shall petition the board of commissioners of the county in which such lands are situate, setting forth their intention of constructing and maintaining such dikes and dams as may be necessary for the protection of the same from overflow, and thus render such lands safe and fit for cultivation, and thereby enhance their value for taxable purposes, and increase the public revenue, the board of county commissioners shall duly consider the same, and if they find if they find such representations substantially correct in fact, and that such proposed improvement shall be for the public benefit they shall so declare on the record of their proceedings, and then appoint three viewers, resident of such district, with the county surveyor, to view out and locate the proposed dikes and dams along the most practicable route, to accomplish the object desired at the least possible expense.

SEC. 3. The routine of procedure under this act shall be, as far as practicable, the same as prescribed by the road law for the survey, location and establishment of county roads, and the dikes and dams hereby established shall be to all intents and purposes public highways.

SEC. 4. The surveyor and viewers so appointed shall meet as prescribed by the board. They shall note and establish the line of the dikes and dams necessary, and the width of highway through which they pass, and such spurs and off-shoots of the work as may be necessary. They shall also define the boundaries of the district of land to be protected thereby, and also make an accurate list of the land owners of the district, and their lands by legal subdivision within the same. They shall further estimate the cost of the proposed dikes and dams, and such estimated costs, when approved by the board of commissioners, shall at the August term be duly apportioned and added to the regular taxes of the land owners of such district on the assessment roll for the current year, and such tax for diking purposes shall have the same legal effect and be collected in the same manner as other taxes on the county assessment roll, and in default of payment shall be a lien upon the land as in other cases.

SEC. 5. As soon as these proceedings are had and the tax levied, the county commissioners shall appoint a supervisor of dikes and dams for such district, and thereafter such supervisor shall be elected and hold office the same as road super-

visors, and shall receive the same compensation for his services. When the tax is collected, it shall be placed to the credit of such diking district, subject to the order of the supervisor of dikes and dams, and is to be expended in the construction or maintenance of such dikes and dams, the same as the road fund by road supervisors. For the proper maintenance of such dikes and dams thereafter the supervisor shall annually prepare and file with the county auditor, on or before the May term of the county commissioners, a detail statement of his operations, and also an estimate of the cost of maintaining in proper repair such dikes and dams for the ensuing year, which estimate, when approved by the board, shall at the August term be taxed on the assessment roll against the land owners of said diking district the same as in the first instance, and each land owner shall thereafter bear and pay his fair and equitable proportion of such expenses according to the taxable valuation of his property within such district; *provided*, such taxes shall be levied on the land per acre, exclusive of buildings and improvements.

SEC. 6. If in locating and establishing the dikes and dams provided for in this act, the owner or owners of the lands through which they pass should feel aggrieved on the score of right-of-way or other cause, he shall have proper cause for damages. In such cases, claims for damages shall be filed, and the amount thereof determined, in accordance with the provisions of the general road law, and the amount thereof so determined and allowed by the board of county commissioners shall be taxed against the lands of said district in due proportion as the tax for construction, and, when collected, shall be reserved and paid, under direction of the board, to the claimant or claimants.

SEC. 7. Appeals may be taken from the action of the board of county commissioners in carrying out the provision of this act in like manner as appeals are provided for under the road law, and any judgments resulting therefrom shall be an expense upon the district and not upon the county, and shall be paid as provided for in section six of this act.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed. And this act shall be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

DYKES AND DAMS—PROTECTION OF.

CHAPTER L.

AN ACT

TO PROVIDE FOR THE PROTECTION OF DYKES AND DAMS IN
WASHINGTON TERRITORY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That it shall be unlawful to cut or damage, break or destroy, any dyke or dam erected or maintained in this Territory for the protection of lands from overflow ; and any person or persons so offending, upon conviction thereof, shall be fined in any sum not exceeding three hundred dollars (\$300) for each and every offense, in the discretion of the court, which fine shall be paid over to the school fund of the county wherein the offense is committed [committed] ; *provided*, that the person or persons so offending shall not by this act be exempted from any suit for damages brought by any person or persons injured by the cutting, breaking, damaging or destroying of said dike or dam.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 2, 1888.

ELECTORS—QUALIFICATIONS OF.

CHAPTER LI.

AN ACT

PRESCRIBING THE QUALIFICATIONS OF ELECTORS IN THE TERRI-
TORY OF WASHINGTON.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That all, citizens of the United States, male and female, above the age of twenty-one years, and all

American half-breeds, male and female, over that age, who have adopted the habits of the whites, and all other inhabitants, male or female, of this Territory, above that age, who shall have declared, on oath, their intentions to become citizens of the United States at least six months previous to the day of election, and shall have taken an oath to support the constitution and government of the United States at least six months previous to the day of election, and who shall have resided six months in the Territory, sixty days in the county and thirty days in the precinct next preceding the day of election, and none other, shall be entitled to vote at any election in this Territory; *provided*, that no officer, soldier, seaman, mariner, or other person in the army or navy, or attached to troops in the services of the United States, shall be allowed to vote at any election in this Territory by reason of being on service therein, unless said Territory is, and has been, for the period of six months, his permanent domicile; *provided*, he was a citizen of this Territory at the time of his enlistment; and *provided further*, that nothing in this act shall be so construed as to make it lawful for women to serve as jurors.

SEC. 2. That all acts and parts of acts in conflict with this act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 18, 1888.

EXECUTIONS—FOR ISSUING.

CHAPTER LII.

AN ACT

TO PROVIDE FOR AND REGULATE THE ISSUING OF EXECUTIONS
IN THIS TERRITORY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That the party in whose favor judgment has been given, or may hereafter be given or entered in any court of record in this Territory, may have an execution issued

at any time for the collection or enforcement of the same; *providing*, that if a period of five years shall have elapsed without an execution being issued on such judgment, then execution shall not issue thereafter until such judgment shall be revived in the manner provided for by law.

SEC. 2. That the party in whose favor judgment has been rendered, entered or given in any court of record in this Territory for the recovery of money or against the property of a judgment debtor, may have execution issued thereon for the collection or enforcement of such judgment to the sheriff of any county in this Territory; *provided*, that when a judgment requires the delivery of real or personal property, execution shall be issued to the sheriff of the county where the property, or some part thereof, is situated.

SEC. 3. This act shall take effect and be in force thirty days from its passage and approval.

Approved January 27, 1888.

FENCES—BARBED WIRE.

CHAPTER LIII.

AN ACT

REGULATING THE BUILDING AND MAINTAINING OF BARBED WIRE FENCES, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That it shall be unlawful for any person or persons to construct, erect or maintain any fence or portion of a fence of barbed wire, except as hereinafter provided.

SEC. 2. Any person desiring to construct, enact [erect] or maintain any fence of barbed wire, shall construct the same in the following manner and not otherwise: The posts shall be set not more than thirty feet apart, the first wire shall not be more than twenty-two inches from the ground, the second wire thirty-four inches, and the third wire forty-eight inches, each and every one of the wires shall be tightly stretched and

securely fastened to said posts, and four light poles or strips shall be fastened between each two posts to said wires vertically, leaving no greater space than about six feet between said posts and poles or strips, or the said posts may be set not more than twelve feet apart, and two barbed wires and one pole, rail or plank securely fastened to said posts, or one barbed wire and two rails, poles or blanks securely fastened to said posts.

SEC. 3. All fences constructed and maintained according to the provisions of section two of this act shall be lawful fences.

SEC. 4. It shall be the duty of every person building, erecting or maintaining, in whole or in part, any of the herein-before mentioned wire fences, to keep the same in good repair, and if upon five days notice to any such person or persons, his or her agent, that his or her fence is not in good repair, and he or she shall neglect to repair the said fence for a period of five days after receiving such notice, such person shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than twenty-five nor more than fifty dollars.

SEC. 5. Any person violating any of the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five nor more than two hundred dollars; *provided*, that nothing in this act shall prevent any person from using more wires, posts or strips in the erection of any fence.

SEC. 6. All acts and parts of acts in conflict with this one [act] are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after the first day of November A. D. 1888.

Approved February 2, 1888.

FISH AND GAME.

CHAPTER LIV.

AN ACT

FOR THE PROTECTION OF FISH AND GAME.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That every person who shall, within the Territory of Washington, between the first day of January and the fifteenth day of August, from and after the passage of this act, pursue, hunt, take, kill or destroy any elk, moose, deer, fawn, mountain sheep or mountain goat, shall be deemed guilty of a misdemeanor. Every person who, after the passage of this act, shall take, kill or destroy any elk, moose, deer, fawn, mountain sheep or goat, at any time, unless the carcass of such animal is used or preserved for food by the person slaying it, shall be deemed guilty of a misdemeanor. Every person who after the passage of this act, shall, between the first day of January and the fifteenth day of August, sell or offer for sale any hides or horns of any elk, moose, deer, fawn, mountain sheep or goat, shall be deemed guilty of a misdemeanor.

SEC. 2. Every person who shall, within the Territory of Washington, after the passage of this act, chase, pursue, drive or hunt any elk, moose, deer or fawn, with dog or dogs, at any time, except during the months of October, November and December, shall be guilty of a misdemeanor.

SEC. 3. Every person who shall, within the Territory of Washington, between the first day of April and the fifteenth day of August of each year, take, kill, injure or destroy any wild swan, mallard duck, wood duck, widgeon, teal, butterball, spoon-bill, blue-bill, red-head, gray duck, black duck, sprigtail or canvasback duck, shall be guilty of a misdemeanor.

SEC. 4. Every person who shall, within the Territory of Washington, between the first day of January and the first day of August of each year, take, kill, injure or destroy any mountain grouse, blue or dusky grouse, ruffed grouse of [or] pheasant, pintail grouse, or prairie chicken, or sage hen, shall be guilty of a misdemeanor.

SEC. 5. Every person who shall, within the Territory of Washington, between the fifteenth day of January and the first day of October of each year, take, kill, injure or destroy any California quail or bob-white, shall be guilty of a misdemeanor.

SEC. 6. Every person who shall, within the Territory of Washington, after the passage of this act, at any time trap, net or ensnare, or attempt to trap, net or ensnare, any quail, prairie chicken, grouse or pheasant, except for the purposes of propagation, shall be guilty of a misdemeanor.

SEC. 7. Every person who shall, within the Territory of Washington, after the passage of this act, take, remove or destroy any egg or eggs from the nest of any mallard duck, widgeon, wood duck, teal, butter-ball, spoon-bill, gray duck, black duck, sprig-tail, blue-bill, red-head or canvasback duck, or prairie chicken, blue or dusky grouse, mountain grouse, ruffed grouse or pheasant, sage hen, quail or partridge, or wilfully molest or destroy the nest of any such fowls or birds, shall be guilty of a misdemeanor.

SEC. 8. Every person who shall, within the Territory of Washington, after the passage of this act, during the months of November, December, January, February and March of each year, take, catch, kill or have in their possession any brook trout, mountain trout, bull trout or salmon trout, shall be guilty of a misdemeanor. Every person who, after the passage of this act, shall take, catch, kill or have in their possession any of the food fishes implanted in the creeks, rivers, lakes or bays of the Territory of Washington, except for propagating the same, for a period of three years after the same shall have been implanted, shall be guilty of a misdemeanor.

SEC. 9. Every person who shall, within the Territory of Washington, take, catch or destroy, with any seine, net, wier, trap or other device, other than hook and line, any mountain trout, brook trout, bull trout or salmon trout, in any of the waters of Washington Territory, shall be guilty of [a] misdemeanor.

SEC. 10. Every person who shall, within the Territory of Washington, after the passage of this act, have in their possession any of the animals, fowls, birds or fish mentioned in the foregoing sections of this act, at any time when by this act it is made unlawful to take or kill the same, shall be guilty of a misdemeanor, and proof of the possession by any person of any of the aforesaid animals, fowls, birds or fish, when it is unlawful to take or kill the same, shall be prima facie evidence

that the animals, fowls, birds or fish were unlawfully taken or killed by the person having possession of the same within the county wherein the same may be found; *provided*, that nothing in this act shall prohibit any person from taming or keeping for the purpose of propagation or curiosity any of the animals, fowls or birds mentioned therein.

SEC. 11. Every person who shall, within the Territory of Washington, after the passage of this act, take, kill, shoot at, injure or destroy any mallard duck, widgeon, teal, butterball, spoon-bill, wood duck, grey duck, black duck, blue-bill, red-head, sprigtail, or canvasback duck, at any season of the year, between the hours of eight o'clock p. m. and five o'clock a. m., shall be guilty of a misdemeanor.

SEC. 12. Every person who shall, within the Territory of Washington, after the passage of this act, enter or go upon the enclosed lands of another for the purpose of shooting or fishing, whether the lands are enclosed by fence or partially by fence, water or bluffs, sufficient to prevent the inroads of stock, without first obtaining the consent of the owner or proprietor thereof; *provided*, conspicuous notices are posted on the premises at not less than three different places cautionary against such trespass, shall be guilty of a misdemeanor.

SEC. 13. Every person who shall, within the Territory of Washington, after the passage of this act, use any sink box, floating blind, rafts, sneak boat, punt or any other device for approaching any of the water fowl mentioned in this act while the same are resting on the waters of this Territory, shall be guilty of a misdemeanor; *provided*, that nothing in this act shall be construed to prevent the shooting of any of the water fowl mentioned therein from shore blinds or over decoys with any gun which is fired from the shoulder of the shooter.

SEC. 14. Every person who shall, within the Territory of Washington, be convicted of a violation of any of the provisions of this act, shall be punished by a fine of not less than ten dollars and not more than three hundred dollars, together with the costs of prosecution, or imprisonment in the county jail where the offense is committed not less than five days nor more than three months, or both such fine and imprisonment. One-half of all moneys collected from such fines for a violation of any of the provisions of this act shall be paid to the informer,

and one-half to the prosecuting attorney in the district in which the case is prosecuted.

SEC. 15. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 16. This act to take effect and be in force sixty days after its passage and approval.

Approved February 2, 1888.

FIRE-ARMS—NEGLIGENT USE OF.

CHAPTER LV.

AN ACT

DECLARING IT TO BE A MISDEMEANOR FOR ANY PERSON TO DISCHARGE, IN THE VICINITY OF AN INHABITED DWELLING HOUSE OR IN THE STREETS OF AN INCORPORATED CITY OR UNINCORPORATED TOWN, IN A RECKLESS, CARELESS OR NEGLIGENT MANNER ANY FIREARMS, OR TO EXHIBIT OR FLOURISH IN THE STREETS OF ANY SUCH CITY OR TOWN ANY DANGEROUS WEAPON IN A MANNER LIKELY TO CAUSE TERROR TO THE PEOPLE PASSING, AND TO PROVIDE A PUNISHMENT THEREFOR.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Every person who shall in a reckless, careless or negligent manner discharge, in the vicinity of an inhabited dwelling house, or in the streets of an incorporated city, or unincorporated town, any firearm, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment.

SEC. 2. Every person who shall, in a manner likely to cause terror to the people passing, exhibit or flourish, in the streets of an incorporated city or unincorporated town, any dangerous weapon, shall be deemed guilty of a misdemeanor,

and, on conviction thereof, shall be punished by a fine in any sum not exceeding twenty-five dollars.

SEC. 3. Justices of the peace shall have exclusive original jurisdiction of all offenses arising under this act.

SEC. 4. This act shall be in force from and after its approval by the governor.

Approved January 31, 1888.

GARNISHMENT—JUSTICE COURT

CHAPTER LVI.

AN ACT

IN RELATION TO GARNISHMENT IN JUSTICE COURTS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Whenever any action shall have been commenced by summons upon contract, express or implied, or notice and complaint in a justice's court, if the plaintiff or some one in his behalf shall make and deliver to the officer having such summons or notice and complaint, an affidavit stating that the affiant has good reason to believe that some person (naming him) is indebted to the defendant, or has personal property in his possession or under his control belonging to the defendant; or when there is more than one defendant, to any or either of them, not by law exempt from sale on execution, and demand that he shall summon such person as garnishee, such officer shall summon such person in writing to appear before the justice on the return day of such summons or notice and complaint to answer touching his liability as garnishee.

SEC. 2. The summons to the garnishee may be substantially as follows:

TERRITORY OF WASHINGTON, } ss.
 County.
 The Territory of Washington to
 Whereas, a summons or notice and complaint has been

issued by a justice of the peace of said county returnable on the day of A. D. 18.... in favor of plaintiff and against defendant; and whereas, the plaintiff (or A. B. in his behalf) has made oath that you have property in your possession or under your control belonging to the defendant (or are indebted to him.) Now, therefore, you are hereby summoned to be and appear before the said justice at his office in said county on the return day of said summons, (or notice and complaint) at o'clock in the noon of said day, then and there to answer under oath touching your liability as garnishee.

Given under my hand this day of 18..

Constable or Sheriff.

SEC. 3. The officer shall serve such summons on the garnishee personally and return the same with the affidavit to the justice at the same time that he shall make return of the service of the summons or notice and complaint, and state the day such summons was served on the garnishee.

SEC. 4. In all cases when a summons or notice is required to be served upon any person or corporation, to summon, notify or charge such person or corporation as garnishee in any action pending before a justice of the peace, a copy of such summons or notice shall be served on the defendant within the time that such summons or notice is required to be served on such garnishee. If such defendant cannot be found within the jurisdiction of such justice of the peace and shall have a known agent or attorney residing therein, the summons or notice shall be served on such agent or attorney, or upon some suitable person over the age of sixteen years, at the dwelling house or place of abode of the defendant.

SEC. 5. The garnishee from the time of the service of such summons shall stand liable to the plaintiff to the amount of the personal property, money, credits and effects in his hands or under his control belonging to the defendant, and the amount of his own indebtedness to the defendant, then due or to become due and not by law exempt from sale on execution.

SEC. 6. The service of the garnishee summons shall be deemed the commencement of an action against such garnishee; and upon the return of the constable that such summons has been duly served the justice shall enter an action in his docket

in which the plaintiff in the original action shall be plaintiff and the garnishee defendant.

SEC. 7. On the appearance of the garnishee before the justice, the affidavit aforesaid shall be deemed a sufficient complaint in this action, and the justice shall forthwith proceed to examine the said garnishee and his witnesses, touching the matters alleged in the affidavit, and shall reduce the answers of said garnishee and his witnesses to writing and file the same with the papers in the case; such examination may be adjourned by said garnishee as in case of adjournment in justices court in civil actions.

SEC. 8. If the plaintiff shall not be satisfied with the answers of the garnishee, or if either party shall desire a trial, the justice shall enter the fact in his docket and the case shall be proceeded with and tried upon the issue formed by the affidavit and answer as in other actions commenced by summons, and if upon the trial of any such issue, property or effects shall be found in the hands of the garnishee, or it shall appear that such garnishee was indebted to the defendant, the justice or jury shall assess the value thereof, and the garnishee may hold the same subject to the further order of the justice.

SEC. 9. The defendant in the original action may appear and defend the proceedings against the garnishee upon the ground that the indebtedness of the garnishee, or any property held by him, is exempt from execution against such defendant, or for any other reason is not liable to garnishment, or upon any grounds upon which a garnishee might defend the same, and may participate in the trial of any issue between the plaintiff and the garnishee, for the protection of his interests.

SEC. 10. If in the action instituted against the garnishee the plaintiff shall be nonsuited or discontinue his action, or if upon the answer and trial of the issue between the plaintiff and garnishee no property or effects shall be found in the hands of the garnishee, or nothing shall be found due from the garnishee to the defendant, or if in the action against the principal defendant the plaintiff shall be nonsuited or discontinue his action, or if on the the trial in such action nothing shall be found due from the defendant to the plaintiff, then in each of these cases the garnishee shall recover costs against the plaintiff, and no such costs shall be paid by the defendant.

SEC. 11. If the plaintiff recover against the defendant

in the original action, and the answer of the garnishee when no issue is made thereon, or the finding of the court or jury on an issue show that the garnishee at the time of the service of the summons had property in his possession belonging to the defendant, or that he was indebted to him, the justice shall enter an order in his docket requiring the garnishee, within ten days, to pay or deliver to the justice such property or the amount of such indebtedness, or so much thereof as may be necessary to satisfy such judgment, with costs thereof, and the costs of the garnishee proceedings; or if it appears from such answer or finding that the garnishee is to pay or deliver to the defendant any money or property in any other manner or at any other time than immediately, and at the time of service of the summons, the same belonging to the defendant, then the order of the justice shall be that such payment or delivery be so made to the justice for the benefit of the plaintiff. If such garnishee shall pay such indebtedness and deliver such property as directed by such order, the costs of the garnishee shall be paid out of the money or property received by the justice, unless the garnishee, upon an issue joined with him by the plaintiff, shall have been held liable in a greater amount of property or indebtedness than was disclosed in his answer, in which case he shall not have costs. And all property and effects, except money, delivered to the justice shall be by him ordered to be sold on the execution against the defendant.

SEC. 12. If the garnishee do not deliver over the property or pay the money so found in his hands and belonging to the defendant, as provided in the preceding section, then judgment shall be given against him for the value of such property or money and costs of suit in the cause in which he is garnishee, and no such costs shall be paid by the defendant.

SEC. 13. No final judgment shall be rendered against the garnishee until final judgment be rendered against the defendant in the original action; but no judgment shall be rendered against a garnishee or any money be required to be delivered by him to the justice upon any liability arising out of a debt due by negotiable paper, unless such paper is delivered or the garnishee completely exonerated or indemnified from all liability thereon after he may have satisfied the judgment.

SEC. 14. When a garnishee shall fail to appear, or ap-

pearing shall fail to make full answers upon oath to the interrogatories of the justice touching his liabilities as garnishee, the justice shall enter such fact in his docket, and he shall be adjudged to be indebted to the defendant; and if judgment shall be rendered in favor of the plaintiff, against the defendant, judgment in favor of the plaintiff shall be entered against such garnishee for the amount of the judgment against the defendant, and for all costs in the garnishee proceedings, and no such costs shall be paid by the defendant; or on demand of the plaintiff he may issue a warrant to arrest the garnishee, which shall be served in the same manner as warrants issued by justices of the peace in civil actions founded on tort, and the garnishee shall be held thereon until he shall make full and direct answers to such interrogatories; and the justice may continue the cause to some other day if necessary for further proceedings.

SEC. 15. If the garnishee shall have failed to appear at the proper time he may afterwards appear and answer at any time before final judgment against him, if he shall first pay all costs in the garnishee suit which have accrued up to that time, and when he shall so appear the justice shall cause the plaintiff to be notified thereof, so that he may be present at the examination.

SEC. 16. In all actions brought by the defendant against the garnishee for the recovery of any property, credits, money or effects delivered up or paid by order of any judgment rendered under this act, except costs rendered against the garnishee, such judgment may be pleaded in bar, and the same shall be conclusive between such parties.

SEC. 17. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 31, 1888.

HIGHWAYS—OBSTRUCTION OF.

CHAPTER LVII.

AN ACT

IN RELATION TO DRIVING STOCK ALONG OR NEAR PUBLIC HIGHWAYS AND CAUSING THE SAME TO BE OBSTRUCTED.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Any person or persons driving stock along or near public highways, and causing such highway to be obstructed with stones, earth or other debris, and leaving the same to remain for more than twenty-four hours, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding two hundred dollars.

SEC. 2. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

HIGHWAYS—Amending Chap. 229, Code.

CHAPTER LVIII.

AN ACT

TO AMEND CHAPTER 229 OF THE CODE OF WASHINGTON TERRITORY RELATING TO PUBLIC HIGHWAYS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That wherever the word "freeholder" or "freeholders" occur in chapter 229 of the code of Washington Territory relating to public highways, the same shall be construed to also include householder or householders, who are also taxpayers, as the case may be.

SEC. 2. This act shall take effect and be in force from and after its approval.

Approved February 2, 1888.

HOLIDAYS--Designation of.

CHAPTER LIX.

AN ACT

IN RELATION TO HOLIDAYS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. The following days, namely: Sunday; the first day of January, commonly called New-Year's day; the fourth day of July; the twenty-second day of February; the twenty-fifth day of December, commonly called Christmas day; and any day designated by public proclamation of the chief executive of the Territory, or appointed and recommended by the governor of the Territory as a day of public Thanksgiving; and the day known and observed as Memorial or Decoration day; and the day on which general or special elections for delegate to congress, and for the election of district and county officers, shall be considered and are hereby declared to be legal holidays within the Territory of Washington.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its approval.

Approved January 27, 1888.

HOSPITAL FOR INSANE--Con- struction of.

CHAPTER LX.

AN ACT

TO PROVIDE FOR THE PERMANENT LOCATION AND CONSTRUCTION OF AN HOSPITAL FOR THE INSANE IN EASTERN WASHINGTON.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That a State or Territorial hospital for the insane shall be and is hereby permanently established and located in the town of Medical Lake, Spokane county.

SEC. 2. That it shall be the duty of the governor, within ten (10) days after the approval of this act, to appoint three (3) competent persons, residents of this Territory, who shall constitute a board of commissioners, for the construction of said hospital for the insane, and whose term of office shall be two (2) years, and until their successors are appointed and qualified.

SEC. 3. Each of said commissioners, before entering upon the duties of his office, shall take and subscribe an oath, before any officer of the Territory qualified to administer the same, that he will faithfully and impartially administer the duties of his office according to law, and shall execute and deliver to the governor a bond to the Territory, with two (2), or more, good and sufficient sureties, to be approved by said governor, in the sum of five thousand (\$5,000) dollars, conditioned for the faithful performance of his duty according to law, which oath and bond shall be filed in the office of the secretary of the Territory.

SEC. 4. The persons appointed as commissioners under the provisions of this act, or a majority of them, shall meet at the said town of Medical Lake, on the second Monday of March, eighteen hundred and eighty-eight (1888), and shall organize by election [electing] one of their number president of the board, and one of their number secretary.

SEC. 5. Should a vacancy occur in said board of commissioners by failure to qualify, death, resignation or otherwise, the governor shall appoint some suitable person, a resident of the Territory, to fill such vacancy, and the person so appointed

shall qualify according to the provisions of this act, and shall enter upon the duties of commissioner as herein provided.

SEC. 6. It shall be the duty of the president of the board to preside at the meetings thereof, and to superintend the performance of all contracts for the erection of said hospital for the insane, for labor and material which may have been authorized by the board, and to see that the terms of each contract are fulfilled, and to do and perform such other duties pertaining to the erection of said hospital for the insane as the board shall direct; *provided*, that no member of the board shall be interested, directly or indirectly, in any contract of any kind connected with the erection of said hospital for the insane during their continuance in office, under the penalty of three thousand (\$3,000) dollars, to be prosecuted and collected of him and the sureties upon his bond, upon an action of debt commenced under the direction of the governor, in any court of competent jurisdiction.

SEC. 7. All accounts shall be audited by the Territorial auditor, and no money shall be paid by the Territorial treasurer, for any purpose connected with the erection of said hospital for the insane, except on a warrant, or warrants, drawn on him by the Territorial auditor for the payment of bills, certified to by the said board of commissioners and signed by the president and secretary thereof, and every such warrant shall express upon its face whether the amount so required is for materials furnished or service rendered, or labor performed, and the board shall in no case sanction the payment of any money unless the labor has been performed or the materials have been furnished, in accordance with a contract entered into under the provisions of this act; and it shall be the duty of the Territorial treasurer to pay all warrants drawn by said Territorial auditor, as herein provided, out of any moneys in his hands applicable thereto.

SEC. 8. The said commissioners shall receive a deed of conveyance, clear of all encumbrance, in trust, for the people of Washington Territory, for the north-east (N. E. $\frac{1}{4}$) quarter of section thirteen (13), township (24) twenty-four, N. R. 40 E., W. M., said land being donated by the citizens of said town of Medical Lake, and upon which land the said hospital for the insane shall be erected, said land and location being the same selected by the board of commissioners appointed to so select, as authorized by the legislative assembly in an act entitled "an act providing for the appointment of commissioners to select a location for a hospital for the insane in Eastern Washington," approved February third (3d), eighteen hundred and eighty-six (1886).

SEC. 9. The said board of commissioners shall have the power to enter into any and all contracts for the erection of said

hospital for the insane, on the ground donated therefor, as herein before described, and to make all contracts for the materials and labor necessary therefor. They shall proceed with as little delay as possible to erect a suitable fire proof building, or buildings, of stone or brick, or either of said materials, in accordance with a plan or plans therefor, which may be adopted by said board, on [or] a majority of them.

SEC. 10. All contracts for the erection of said hospital for the insane, and for labor or materials therefor, shall be made by said board, or a majority of thereof, and the execution of all said contracts shall be under the supervision and control of said board; no contract shall be entered into for the erection of said hospital for the insane, or for the materials or labor therefor, before the said board shall have first given notice by publication in three (3) newspapers published in this Territory, one at the city of Seattle, one at the city of Tacoma, and one at the city of Spokane Falls, for three (3) consecutive weeks prior thereto, inviting sealed proposals for the execution [erection] of said hospital for the insane, or for all or any portion of the designated materials therefor, or for all or any portion of the different kinds of work necessary in the erection of the same, and specifying the character and amount of the bond which will be required for the fulfillment of the conditions of said contract or contracts, and in all cases the contract or contracts shall be given by the board to the lowest and most responsible bidder, who shall give the required security; *provided*, said bid or bids shall not be opened in less than fifteen (15) days after said publication; *provided also*, that when there shall be but one bid, the approval of every member of the board shall be necessary to complete the proposed contract or contracts; *provided also*, that the said board shall reject any or all bids, at their discretion, when deemed excessive, and again advertise for proposals.

SEC. 11. The said hospital for the insane shall be under the charge and control of the following officers, to-wit: three (3) trustees; one (1) superintendent, who shall be a physician; [one] (1) assistant physician; and one (1) accountant and steward, which said officers shall be appointed by the governor, by and with the consent of the council, and the said trustees shall immediately upon their appointment provide and enforce such rules as may be necessary for the government and discipline of said hospital for the insane; *provided*, that if said hospital for the insane shall be completed or ready for occupancy prior to the next regular session of the legislative assembly, the governor shall appoint such officers and provide such rules as may be necessary for the government and discipline of said hospital for the insane, until

such time as the legislative assembly shall meet and provide for the same.

SEC. 12. Each of said commissioners, in consideration of services rendered, shall receive an annual salary of six hundred dollars (\$600), and no more, payable quarterly out of the appropriations hereinafter made for the erection of said hospital for the insane, and in the same manner as other expenditures and accounts against said fund are paid.

SEC. 13. For the purpose of carrying into effect the provisions of this act there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of sixty thousand (\$60,000) dollars for the erection and construction of an hospital for the insane in Eastern Washington, and the Territorial treasurer shall pay all warrants as herein provided.

SEC. 14. That all acts and parts of acts in conflict herewith are hereby repealed.

SEC. 15. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 25, 1888.

HOSPITAL, INSANE—APPROPRIATION FOR EXPENSE.

CHAPTER LXI.

AN ACT

TO APPROPRIATE MONEY TO PAY DEFICIENCIES IN THE ERECTION OF HOSPITAL FOR THE INSANE AT FORT STEILACOOM AND TO PAY FOR CERTAIN IMPROVEMENTS AT SAID INSTITUTION.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That there be, and is hereby appropriated, out of the Territorial treasury, from funds not otherwise appropriated, the following sums of money for the use of the hospital for the insane at Fort Steilacoom, to wit: For pay of deficiencies in the erection of said institution, the sum of nine hundred and forty and sixty-eight hundredths dollars; for

pay for furnishing and painting the new buildings, removing old houses, grading grounds, and building fences, fifteen thousand dollars. The said sums paid under this act, or so much thereof to be only paid when audited by the Territorial auditor and certified as correct by the said board of trustees.

SEC. 2. This act to take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

HOSPITAL, INSANE—APPROPRIATION FOR MAINTENANCE.

CHAPTER LXII.

AN ACT

TO APPROPRIATE MONEY TO DEFRAY THE EXPENSES OF THE HOSPITAL FOR THE INSANE.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. The superintendent of the hospital for the insane at Fort Steilacoom, by and with the consent of the board of trustees, shall employ such assistants as are necessary for the effectual and economical administration of the institution; and the regular officers and employes shall not receive salaries to exceed the following sums per annum: One superintendent, twenty-two hundred (2,200) dollars; one assistant physician, eleven hundred (1,100) dollars; one accountant and steward, thirteen hundred (1,300) dollars; one matron six hundred and fifty (650) dollars; one head warden, six hundred and fifty (650) dollars; one engineer, nine hundred (900) dollars; one assistant engineer, five hundred and forty (540) dollars; ward attendants, male and female, each five hundred and forty (540) dollars; one outside attendant, five hundred and forty (540) dollars; one teamster, four hundred (400) dollars; one laundress, three hundred (300) dollars; one carpenter, six hundred (600) dollars; one cook, nine hundred (900) dollars; one baker, who shall assist the cook, six hun-

dred (600) dollars; one assistant in kitchen and dining-room, three hundred (300) dollars.

SEC. 2. Each officer and employe may be furnished subsistence, quarters, light and fuel for one, and the superintendent, assistant physician, accountant and steward, and engineer with quarters for their families in addition to their salaries.

SEC. 3. And be it further enacted: Seventy-five thousand (75,000) dollars, or so much thereof as may be necessary, are hereby appropriated to defray the expenses of said institution for the next two years.

SEC. 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed, and sections 2266 and 2272 of the code of Washington are here hereby expressly repealed.

SEC. 5. This act to take effect and be in force from and after is passage and approval by the governor.

Approved February 2, 1888.

IDIOTS AND INSANE.

CHAPTER LXIII.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER CX OF THE CODE OF WASHINGTON TERRITORY, RELATING TO IDIOTS AND INSANE, AND SECTION 2267 OF CHAPTER CLXVI ENTITLED HOSPITAL FOR THE INSANE," APPROVED FEBRUARY 4TH 1883.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 1632 of the Code of Washington Territory, as amended and approved February 24th 1883, be, and the same is hereby amended by adding to, and at the end of said section the following: *Provided, further*, that whenever said probate judge shall by reason of sickness or other cause, be unable to attend at his office and perform the duties required by this section, that said duties shall be performed by any judge of the probate court of any adjoining

county, upon applicant filing an affidavit setting forth inability of the proper probate judge to attend at his office.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 2, 1888.

JUROR—REQUESTING TO BE, MISDEMEANOR.

CHAPTER LXIV.

AN ACT

MAKING IT A MISDEMEANOR FOR ANY PERSON TO ASK OR REQUEST FOR HIMSELF OR ANOTHER TO BE PLACED UPON ANY JURY, AND MAKING IT A MISDEMEANOR FOR ANY SHERIFF, CONSTABLE OR OTHER PERSON, WHEN ASKED OR REQUESTED SO TO DO, TO SELECT OR PLACE ANY SUCH PERSON UPON THE JURY, AND PROVIDING FOR THE PUNISHMENT THEREOF.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Any person who shall ask or request any sheriff, constable or other person or persons, whose duty it may be under the law to select or summon any jury or juror, to be selected or put upon the jury, or shall procure or offer to procure for himself or for another person, or place upon any jury, or shall seek to have himself or another placed upon the list of jurors, that is now required by law to be made; shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding three hundred dollars.

SEC. 2. Any sheriff, constable or other person, whose duty it may be under the law to select or summon a jury, who shall select, summon or place upon any jury any person whom he has been asked or requested to select or summon, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding three hundred dollars.

SEC. 3. This act to take effect and be in force from and after its passage and approval by the governor.

Approved January 27, 1888.

JURORS—MANNER of DRAWING.

CHAPTER LXV.

AN ACT

TO AMEND SECTION 2080 OF CHAPTER CLII OF THE CODE OF WASHINGTON TERRITORY AS AMENDED BY AN ACT ENTITLED AN ACT TO AMEND SECTION 2080 OF CHAPTER CLII OF THE CODE OF WASHINGTON TERRITORY RELATING TO GRAND AND PETIT JURORS, APPROVED NOVEMBER 27, 1883; AND ALSO TO AMEND SECTION 2082 OF CHAPTER CLII OF THE CODE OF WASHINGTON TERRITORY AND ADD TO SAID CHAPTER SECTIONS 2085 $\frac{1}{2}$ AND 2085 $\frac{1}{2}$ RELATING TO GRAND AND PETIT JURORS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 2080 of chapter CLII of the Code of Washington Territory as amended by an act entitled "an act to amend section 2080 of chapter CLII of the Code of Washington Territory, relating to grand and petit jurors," approved November 27, 1883, be and the same is hereby amended to read as follows: Section 2080. Every board of county commissioners, on or before the first Monday of February in each year shall select from the persons in their county, qualified to serve as petit jurors, the names of one hundred persons to serve as petit jurors for the ensuing year, and from the persons in their county, qualified to serve as grand jurors, the names of one hundred persons to serve as grand jurors for the ensuing year, and shall certify the same in separate lists to the clerk of the district court of the district and county to which such county may be attached for judicial purposes; *provided*, that if from any cause the county commissioners are unable to select the full number of names in this section provided for they shall select such less number as they may agree upon, and in such case they shall include in their certificate to the clerk of the district court the reason why such less number have been selected.

SEC. 2. That section 2082 of chapter CLII of the Code of Washington Territory be and the same is hereby amended to read as follows: Section 2082. At least thirty days before each term of court the clerk of the court, or his deputy, shall write out the names on the lists certified to him by the county commissioners, which have not been previously drawn as jurors from said lists, on separate ballots, and the clerk of the district

court, or his deputy, shall then call to his assistance the sheriff and county auditor of the county where said court is to be held, and the said clerk or his deputy and the sheriff and auditor shall there compare said ballots with the lists and correct them if necessary; they shall then place the ballots in a box provided for the purpose, and after thoroughly mixing the same the clerk or his deputy shall be hoodwinked, and shall then draw therefrom the requisite number of names of persons to serve as jurors, and the sheriff and auditor shall then certify under oath to the list of jurors so drawn, to the effect that they were present at the drawing of the same and that said drawing was conducted fairly and impartially and as provided by law. Such certified list of jurors so drawn shall be filed by the clerk of the court and kept, subject to the inspection at any time of the judge or any attorney authorized to practice law in the courts of this Territory. Within three days after the drawing of said jurors as aforesaid, the clerk shall issue to the sheriff of each county, for which the term is held, and from which jurors have been drawn, two venires, one containing the names of all persons drawn from his county to serve as petit jurors, and one containing the names of all persons drawn from his county to serve as grand jurors. The venires for petit jurors shall be made returnable on the second day of the term at ten o'clock in the forenoon, and the venires for grand jurors shall be made returnable on the first day of the term at ten o'clock in the forenoon, unless the judge of the district in which such court is held shall order said venires made returnable on a day different than herein provided; *provided, however*, that no person shall be required to serve twice as a grand juror or twice as a petit juror within two years.

SEC. 3. That there be and is hereby added to chapter CLII of the code of Washington Territory section 2085¼, as follows: Section 2085¼. If from any cause the sheriff or auditor, or both, shall not attend and assist the clerk in drawing jurors, as in this chapter provided, the clerk may call to his assistance such other county officer or officers as he may choose, and they shall proceed as is prescribed for the auditor and sheriff.

SEC. 4. That there be and is hereby added to chapter CLII of the code of Washington Territory section 2085½, as follows: Section 2085½. The failure on the part of any officer or officers to perform any of the duties required by this chapter within the time provided for shall not invalidate the selecting, drawing or summoning of jurors.

SEC. 5. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

JURORS—QUALIFICATIONS OF.

CHAPTER LXVI.

AN ACT

IN RELATION TO GRAND AND PETIT JURORS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. All male citizens of the United States above the age of twenty-one years, and all other male inhabitants above that age, who shall have declared on oath their intention to become citizens at least six months previous to being drawn or summoned to serve as a juror, and shall have taken an oath to support the constitution and government of the United States, and shall have resided six months in the Territory, and sixty days in the county, next preceding the day of their being drawn or summoned as a juror, and neither idiots nor insane, and none other, shall be competent to serve as grand or petit jurors, within the county in which they reside, and within any county or district to which such county may be attached for judicial purposes.

SEC. 2: Civil officers of the United States, civil and judicial officers of the Territory, attorneys at law, ministers of the gospel or priests, school teachers, practicing physicians, locomotive engineers, active members of the fire department of any city or village, all persons who have served twice as a juror within two years, and all persons over sixty years of age, shall not be compelled to serve as jurors, and in preparing jury lists, the county commissioners shall omit the names of such persons; but no act of a grand or petit jury shall be invalid by reason of such person or persons aforesaid, qualified in other respects, serving thereon; nor shall any disqualification of any member of a grand or petit jury affect the indictment or verdict, unless the juror for that specific cause was challenged or excepted to before the rendition of their indictment or verdict, and the challenge or exception overruled, and error specifically assigned upon the overruling of such challenge or exception.

SEC. 3. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its approval.

Approved February 2, 1888.

JUSTICE PEACE—Jury Drawing.

CHAPTER LXVII.

AN ACT

TO AMEND SECTIONS 1770, 1771, 1772 AND 1773 OF CHAPTER CXIX OF THE CODE OF WASHINGTON TERRITORY RELATING TO TRIAL BY JURY OF ACTIONS BEFORE JUSTICES OF THE PEACE.

Be it enacted by the Legislative Assembly of Washington Territory:

SECTION 1. That section 1770 of chapter CXIX of the code of Washington Territory, relating to trial by jury of actions before justices of the peace, be amended to as to read: "Section 1770. After the appearance of the defendant, and before the justice shall proceed to enquire into the merits of the cause, either party may demand a jury to try the action, which jury shall be composed of six good and lawful men having the qualifications of jurors in the district court of the same county, unless the parties shall agree upon a less number; *provided*, that the party demanding the jury shall first pay to the justice the sum of six dollars, which shall be paid over by the justice to the jury before they are discharged, and said amount shall be taxed as costs against the losing party."

SEC. 2. That section 1771 of said act be amended so as to read: "Section 1771. When a jury is demanded, the trial of the case must be adjourned until the time fixed for the return of the jury; if neither party desire an adjournment the time must be determined by the justice, and must be on the same day, or within the next two days. The jury must be immediately selected as herein provided."

SEC. 3. That section 1772 of said act be amended so as to read: "Section 1772. The justice shall write in a panel the names of eighteen persons, citizens of the county, from which the defendant, his agent or attorney, must strike one name; the plaintiff, his agent or attorney, one; and so on alternately until each party shall have stricken six names, and the remaining six names shall constitute the jury to try such case; and if either party neglect or refuse to aid in striking the jury as aforesaid, the justice shall strike the name in behalf of such party."

SEC. 4. That section 1773 of said act be amended so as to read: "Section 1773. The justice shall thereupon issue a summons for the jury, in which the following form shall be observed in substance:

THE TERRITORY OF WASHINGTON, {
County of..... }

The United States of America to the Sheriff or any Constable of said county:

You are hereby commanded to summon.....to appear before me, at my office in.....precinct, said county, on the.....day of.....A. D. 18..at....o'clock in the....noon, to serve as jurors in a case pending before me, then and there to be tried. And this they shall in nowise omit: And have you then and there this writ, with your doings thereon.

Given under my hand this, the.....day of.....
A. D..... A.... B....
Justice of the Peace.

Which summons shall be personally served upon the persons named, and the same shall be returned, with the names of the persons summoned, at the time appointed for the trial of the cause.

SEC. 5. That sections 1770, 1771, 1772 and 1773, of which this act is amendatory, be and the same are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage and approval.

Approved January 31, 1888.

JUSTICE PEACE—ELECTION OF.

CHAPTER LXVIII.

AN ACT

RELATING TO THE ELECTION OF JUSTICES OF THE PEACE.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the qualified electors of each election precinct in this Territory shall, at the next general election, and biennially thereafter, elect one or more justices of the peace as hereinafter provided.

SEC. 2. Each election precinct shall be entitled to elect one justice of the peace, but the county commissioners of any county may, at the time of organizing a precinct, or at any time thereafter, authorize the election of one additional justice of the peace in any precinct.

SEC. 3. Each incorporated city in this Territory, together with any adjoining precincts, if any there are, lying partly within and partly without said city, shall, for the purposes of this act, and for fixing and limiting the number of justices of the peace to be elected in such city, be deemed and considered one precinct, and the qualified electors within the limits thereof shall, at each general election at the several polling places therein, vote for and elect two justices of the peace, and no more.

SEC. 4. The qualification, term of office, duties, powers and jurisdiction of justices of the peace shall be as now provided by law, except that no justice of the peace shall hereafter have jurisdiction of any action brought to enforce or collect any claim or demand which said justice had, in any manner, attempted to collect as agent or otherwise.

SEC. 5. This act shall take effect and be in force from and after its approval by the governor.

Approved February 2, 1888.

LARCENY—Embezzlement to be.

CHAPTER LXIX.

AN ACT

MAKING IT LARCENY TO APPROPRIATE TO ONES OWN USE THE GOODS, CHATTELS AND PERSONAL PROPERTY OF ANOTHER HELD IN BAILMENT, AND TO PUNISH THE SAME.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That every person who shall borrow, hire, or in any manner obtain the use of the goods, chattels or personal property of any nature, kind or condition whatsoever, of another for any specific purpose, or for any specific time, and who shall at any time after the said purpose has complied with, or the said time has expired, give away, trade, barter, sell, convert, or secrete, with intent to convert to his own use without the consent of the owner or agent of said owner, any of the goods, chattels or personal property of any nature, kind or condition whatsoever, of another, which shall have come into his or her possession by virtue of such borrowing, or hiring, or so obtaining the possession thereof as aforesaid, he or she shall, upon conviction thereof, be adjudged guilty of larceny, and shall be punished in the same manner prescribed by law for the larceny of property of the kind and value of the goods, chattels, or personal property so given away, traded, bartered, sold, converted or secreted with intent so to convert to his or her own use.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 2, 1888.

LICENSE—Owners of Stallions to pay.

CHAPTER LXX.

AN ACT

RELATING TO LICENSING OF ANIMALS KEPT FOR BREEDING PURPOSES FOR HIRE.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That it shall be unlawful in this Territory for any person to stand or keep any stallion for breeding purposes for hire, or to collect any fee whatsoever for the service of any such animal, without having first obtained a license therefor in the county in which such animal is kept, or such fee collected for such purpose, in the manner provided in this act.

SEC. 2. Any person desiring to stand or keep any stallion for breeding purposes for hire, and to collect and receive a fee for the services of such animal, shall file with the auditor of the county in which such stallion is to be kept for that purpose, an affidavit, either of himself or some credible person, stating: a particular description of such horse, with all marks and brands, and pedigree, if known; the place or places in said county where such horse will be kept or stood; the price charged for the services of such horse, together with the name of the owner, and shall deposit with the auditor a license fee as follows: For horses which \$10.00 or less fee is charged, ten dollars; where more than \$10.00 and not more than \$20.00 fee is charged, twenty dollars; where more than \$20.00 and not more than \$30.00 fee is charged, thirty dollars; where more than \$30.00 and not more than forty dollars fee is charged, \$40.00; and where more than \$40.00 fee is charged, \$50.00. All of which licenses shall be issued by the auditor upon the applicant complying with the foregoing requirements, and such auditor shall specify in such license all of the facts set forth in the affidavit aforesaid, which license shall be good and valid in the county in which they are issued for the period of one year thereafter, from the first day of March of each year.

SEC. 3. For his services in issuing such license the auditor shall receive a fee of one dollar, to be deducted by him from the license fee paid by the applicants, and the balance of such fee

shall be paid by the auditor to the treasurer of his county, and shall go into the general road fund of the county. The auditor [treasurer] shall place the balance of any license funds in the county treasury, to be credited to the various road districts where the licensed animal belongs.

SEC. 4. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding three hundred dollars.

SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

BREEDING ANIMALS—MISDEMEANOR TO MISREPRESENT PEDIGREE.

CHAPTER LXXI.

AN ACT

IN RELATION TO ANIMALS KEPT FOR BREEDING PURPOSES.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That any person who is the owner, agent or keeper, or in any way interested in the ownership or the keeping of any stallion, bull, ram or boar, that may be kept for the use of the general public for pay, shall knowingly and wilfully misrepresent the pedigree or blood of any such stallion, bull, ram or boar, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars, and shall be liable for all damages that may be sustained by reason of such misrepresentation.

SEC. 2. Any person who shall sell any horse, horned cattle, hog or sheep, and shall have knowingly and wilfully misrepresented the blood or pedigree of the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding fifty dollars, and shall also be

liable for all damage sustained by reason of such sale by misrepresentation.

SEC. 3. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

LIQUOR—LICENSE.

CHAPTER LXXII.

AN ACT

TO REGULATE, RESTRAIN, LICENSE OR PROHIBIT THE SALE OF
INTOXICATING LIQUORS.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. The board of county commissioners of each county in the Territory of Washington shall have the sole and exclusive authority and power to regulate, restrain, license or prohibit the sale or disposal of spirituous, fermented, malt or other intoxicating liquors outside of the corporate limits of each incorporated city, incorporated town or incorporated village in their respective counties; *provided*, that the annual license fee for the sale of spirituous, fermented, malt or other intoxicating liquors shall, in no instance, be less than three hundred (\$300) dollars, or more than one thousand (\$1,000) dollars, which said license fee shall be paid annually in advance to the county treasurer, who shall pay ten (10) per cent. of the amount into the general fund of the territorial treasury, thirty-five (35) per cent. into the county school fund, and the remaining fifty-five (55) per cent. into the general county fund; *provided further*, that no license shall be granted to sell spirituous, fermented, malt or other intoxicating liquors by said county commissioners within one mile of the corporate limits of any incorporated city, town or village.

SEC. 2. The mayor and council, or other governing body of each incorporated city, incorporated town or incorporated village in Washington Territory shall have the sole and exclusive authority and power to regulate, restrain, license

or prohibit the sale or disposal of spirituous, fermented, malt or other intoxicating liquors within the corporate limits of their respective cities, towns or villages; *provided*, that the annual license fee for the sale of such spirituous, fermented, malt or other intoxicating liquors shall, in no instance, be less than three hundred (\$300) dollars, or more than one thousand (\$1,000) dollars, which said license fee shall be paid annually in advance to the treasurer of the city, town or village, who shall pay ten (10) per cent. thereof into the general fund of the territorial treasury, and hand the remaining ninety per cent. into the general fund of the city, town or village treasury.

SEC. 3. In granting the license authorized by this act, the proper authorities shall exact from each applicant a bond in the sum of one thousand (1000) dollars, conditioned that the applicant shall keep an orderly house and will not sell liquors to minors. He shall in case of violating the terms of the license forfeit the same, and be subject to the other penalties provided by law for illegal selling of spirituous, fermented, malt or other intoxicating liquors; the authorities granting the license shall have full authority and power to declare it forfeited for the violation of any of the terms upon which it is granted.

SEC. 4. Any person who shall sell or dispose of any spirituous malt or other intoxicating liquors without having first obtained a license from the proper authorities, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one thousand (1000) dollars or imprisoned in the county jail not to exceed six months, or by both fine and imprisonment, for each offense.

SEC. 5. Nothing in this act shall be held or construed to allow any person, firm or corporation to barter, sell or otherwise dispose of any spirituous, malt, fermented or other intoxicating liquors without having first obtained a license therefor, as required by the provisions of this act, except as provided in section 6 of the same.

SEC. 6. Nothing in this act shall be construed to apply to any pharmacist or druggist, so as to prohibit him from, or punish him for, dispensing of any spirituous, fermented, malt, or other intoxicating liquors, in good faith, upon the written prescription of any reputable physician; and nothing in this act shall make it unlawful for such pharmacist or druggist to sell pure alcohol for scientific or mechanical purposes, to any reputable mechanic or scientist, upon his written certificate, which must be filed with the other prescriptions of said pharmacist or druggist, that said alcohol is to be used for the scientific or mechanical purposes specified in said certificate, and for no other purpose; and

nothing in this act shall make it unlawful for any pharmacist or druggist to sell pure grape wine to any regularly ordained clergyman, or other church officer of any recognized religious denomination, for sacramental purposes, upon the written certificate of said clergyman or other church officer, which certificate must be filed with the other prescriptions of said pharmacist or druggist, that said wine is to be used for sacramental and for no other purposes.

SEC. 7. Any pharmacist or druggist who shall sell or dispose of any alcohol, or any spirituous, fermented, malt, or other intoxicating liquors, for any purposes, or in any manner, other than as provided in section 6 of this act, without having a license for the sale of such intoxicating liquors, shall, upon conviction thereof, in any court having jurisdiction thereof, the [be] subject to the same fines and penalties imposed by any law or ordinance upon any other person for selling intoxicating liquors without a license.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force sixty days after its passage and approval by the governor.

Approved February 2, 1888.

LATENT RESOURCES—DEVELOPMENT OF.

CHAPTER LXXIII.

AN ACT

FOR DEVELOPING THE LATENT RESOURCES OF THE EARTH IN
WASHINGTON TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That whenever twenty taxpayers of any one county, who shall reach [each] pay taxes on a sum not less than fifteen hundred dollars, in said county, shall apply by petition in writing to the commissioners of their county for an appropriation of any specified sum of money for the purpose of boring or drilling into the earth for valuable minerals, such as coal, oil, gas,

salt, or any other valuable subterranean production that is supposed to exist in quantities sufficient to justify boring for, then the county commissioners of the county wherein the above named petition has been filed, shall make an estimate of the probable depth the well will have to be bored, and the probable cost of boring the same, and shall put up notices, as prescribed by law for general elections, calling on all legal voters in the said county to vote for or against the said tax.

SEC. 2. Said election notices shall fully set forth the object of the election, the amount of taxes to be raised, the purpose for which it is to be expended, and the locality where the well is to be drilled or bored.

SEC. 3. The county shall expend no money, for the purposes herein before named, on land which it does not have a title to, or a twenty year's lease of.

SEC. 4. The tract of land so leased or owned by the county shall be nearly square in form, and not contain less than ten acres.

SEC. 5. Said well shall be bored or drilled near the center of said tract of land.

SEC. 6. If there are lawful petitions for boring more than one well in the same county at the same time, the county commissioners shall select the site for boring or drilling the said well.

SEC. 7. No person shall be a voter on the question of levying a tax for the purpose herein named, except he shall have paid taxes in said county the preceding year.

SEC. 8. The ballots shall read "Tax Yes," or "Tax No."

SEC. 9. In making an estimate of the expenses of boring the said well, the county commissioners may add fifteen per cent. thereto for delinquency, and the expenses of collecting the same.

SEC. 10. This tax shall be collected the same as the school tax, and be payable on the order of a majority of the board of county commissioners.

SEC. 11. When the tax shall have been voted and collected, the county commissioners shall advertise in the newspapers in said county having the largest circulation, for at least four consecutive weeks, for boring or drilling said well, and in case no newspaper is in said county, the advertisement may be published in the nearest newspaper thereto.

SEC. 12. When the bids shall be opened, and it shall appear to a majority of the board of county commissioners that any of them are reasonable, then they shall proceed to let the contract to the lowest bidder therefor.

SEC. 13. The commissioners aforesaid shall require a good

and sufficient bond of the contractor for the faithful performance of his contract.

SEC. 14. When the well has been drilled or bored as per contract, then within one year thereafter the county commissioners, after duly advertising, may proceed to sell their title to the land, with the appurtenances thereto belonging, to the highest bidder, and shall place the proceeds of said sale into the county general fund.

SEC. 15. If the expense of boring or drilling said well shall be less than the estimated cost, then the county commissioners shall put the surplus fund that was collected therefor into the county general fund; and if the expenses shall exceed their estimates by an amount not greater than one thousand dollars, then and in that case the commissioners aforesaid may draw upon the county general fund for a sum not greater than last named.

SEC. 16. All of the expenses of the election hereinbefore provided for shall be paid out of the county general fund.

SEC. 17. It is further provided by this act, that no election for the purposes hereinbefore set forth shall occur oftener than once in two years in any one county.

SEC. 18. This act to take effect and be in force sixty days after its passage and approval by the governor.

Approved February 2, 1888.

LAWS, ETC.—DISTRIBUTION OF

CHAPTER LXXIV.

AN ACT

TO PROVIDE FOR THE DISTRIBUTION OF THE SESSION LAWS AND JOURNALS OF 1887-8 AND INDEX TO CODE.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the session laws and journals of the present session and index to the code be distributed as follows: That the secretary of the Territory shall furnish one copy each, of the journal of the house and council, to the governor, each member of the council and house of representatives, and the sergeant-at-arms, and chief and assistant clerks of the council and house.

SEC. 2. The secretary shall cause to be bound in law sheep a sufficient number of copies of the session laws and the index to the code, to furnish one copy each, to the governor, secretary, auditor, attorney general and territorial treasurer, each of the judges of the supreme court, the United States district attorney, the United States marshal, the clerk of the supreme court, each prosecuting attorney, two copies to the library of congress, one copy to each of the States and Territories of the United States for the use of the public library of such States and Territories, one copy to the Province of British Columbia, at Victoria, and one copy to each member of the council and house of representatives, the sergeant-at-arms, and clerk and assistant clerks of the council and house, and one copy each to the registers and receivers of the United States land offices within the Territory, and one copy to the superintendent of public instruction.

SEC. 3. The secretary of the Territory shall also forward to the county auditors of each court (county) a sufficient number of unbound copies of the session laws and index to code, to supply one copy to each auditor, clerk of the district court, probate judge, sheriff, county treasurer, assessor, county commissioner, county superintendent of common schools, coroner and justice of the peace within their respective counties, as public property, for the use of their respective offices, to be delivered to their successors in office and one copy to each of the public institutions of the Territory.

SEC. 4. The remaining copies of such laws shall be delivered by the secretary to the Territorial auditor, who shall sell the same at the price of two dollars per volume, and pay in to the Territorial treasury the proceeds of such sales for the use of the general fund of the Territory.

SEC. 5. It shall be the duty of the secretary to carry into effect the provisions of the foregoing section, and any and all necessary expenses incurred by him in so doing, shall be allowed and paid out of the Territorial treasury upon presentation of the bills therefor to the satisfaction of the Territorial auditor, who shall draw his warrants therefor in favor of the secretary upon the Territorial treasury, who shall pay the same out of the Territorial treasury, out of any funds not otherwise appropriated.

SEC. 6. This act to take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

LIENS—FILING.

CHAPTER LXXV.

AN ACT

TO AMEND SECTION TWO OF AN ACT ENTITLED "AN ACT TO AMEND SECTION NINETEEN HUNDRED AND SEVENTY-FIVE (1975) AND NINETEEN HUNDRED AND SEVENTY-SEVEN (1977) OF CHAPTER ONE HUNDRED AND THIRTY-NINE (139) OF THE CODE OF WASHINGTON TERRITORY, RELATING TO LIENS," APPROVED JANUARY 21ST, 1886.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section two of an act entitled, an act to amend section nineteen hundred and seventy-five (1975) and nineteen hundred and seventy-seven (1977) of chapter one hundred and thirty-nine (139) of the code of Washington Territory relating to liens, approved January 21, 1886, be, and the same is hereby amended so as to read as follows:

SEC. 2. Any person claiming the benefit of this chapter, must within forty (40) days after the close of said work and labor, or after the expiration of the term, or after the expiration of each year of the lease, for which any lands were demised, file for record with the county auditor of the county in which said work and labor was performed, or said demised lands are situated, a claim which shall be in substance in accordance with the provisions of section nineteen hundred and forty-seven (1947) so far as the same may be applicable, which said claim shall be verified as in said section provided, and said liens may be enforced in a civil action in the same manner, as near as may be, as provided in section nineteen hundred and fifty-one (1951); *provided*, that the lien hereby created in favor of landlords shall only apply when the lease has been recorded.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after the first day of May, 1888.

Approved January 27, 1888.

LIENS, MECHANICS—FILING.

CHAPTER LXXVI.

AN ACT

TO AMEND SECTION 1961 OF CHAPTER CXXXVIII OF THE CODE OF WASHINGTON TERRITORY, RELATING TO LIENS OF MECHANICS AND OTHERS UPON REAL PROPERTY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 1961 of chapter CXXXVIII of the Code of Washington Territory, relating to liens of mechanics and others upon real property, be and the same is hereby amended to read as follows: Section 1961. Every person, claiming the benefit of this chapter, must within ninety days after the completion of any building, improvement or structure, or after the completion of the alteration or repair thereof, or after he has ceased to labor thereon from any cause, or after he has ceased to furnish materials therefor, or after the performance of any labor in a mine or mining claim, file for record with the county auditor for the county, in which such property or some part thereof is situated, a claim containing a statement of his demand, after deducting all just credits and offsets, with the name of the owner, or reputed owner, if known, and also the name of the person by whom he was employed, or to whom he furnished the materials, with a statement of the terms and conditions of his contract, if any, and also a description of the property to be charged with the lien, sufficient for identification, which claim must be verified by the oath of the claimant, or some other person, to the effect that the affiant believes the same to be just.

SEC. 2. This act shall take effect and be in force from and after March 1, 1888.

Approved February 2, 1888.

LOGGING ROADS AND CHUTES.

CHAPTER LXXVII.

AN ACT

TO PROVIDE FOR LOCATING, OPENING AND MAINTAINING OF ROADS AND CHUTES TO BE USED FOR LUMBERING AND LOGGING PURPOSES, AND PROVIDING COMPENSATION FOR THE USE OF LANDS CONDEMNED FOR SUCH PURPOSES.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That any person or persons, firm, company or corporation owning or controlling any timber lands, or growing timber on land in this Territory, and desiring to cut and remove such timber from such lands to a point where the same may be driven, rafted, boomed or shipped for lumbering purposes, and have no practical road or right of way for a road whereon to haul and remove said timber, shall have the right to establish a right of way for a logging road or a logging chute from said lands to any waters or railroad by the most direct and feasible route for the removal of said timber as in this act hereinafter prescribed; *provided*, that the words person or persons in this act shall not be construed to mean any person or persons who may compose any part of any company or corporation availing themselves of the provisions of this act.

SEC. 2. Any person or persons, firm, company or corporation desiring to establish such right of way whereon to construct a logging road or chute shall file with the district court of the district wherein such road is to be located, laid out and built, a map showing the location and extent of the lands whereon the timber is to be removed, the point or place of location of the proposed terminus of said road, the place where the said road is to begin, the proposed direction and most direct and feasible route for said road or chute to run, the sections, townships and ranges through which said road, if located, would pass, and the names of the persons in actual possession of any of the lands through which said road or chute would have to be built, from its place of commencement to its point of termination, together with a petition of the applicant

or applicants, verified by the oath of at least one of the applicants; or, in case a corporation is applicant, by the secretary of the corporation, describing the lands sought to be appropriated with reasonable certainty, and setting forth the name of each and every owner, incumbrancer or other person interested in the same, so far as the same can be ascertained by the public records, and praying the appointment of three competent, disinterested persons as viewers to ascertain and determine the compensation to be made to such owners respectively, and to all tenants, incumbrancers and others interested for the taking or affecting such lands, and setting forth the estimated amount of merchantable timber growing or being upon the lands of the applicant as designated upon the map; that there is no other road or acquired right of way, and that there is no other direct or feasible way from said lands to drivable, tide or navigable waters or railroad whereon or whereby said timber can be moved or hauled to market; that said proposed road or chute is necessary for the removal of said timber, and is a practicable and feasible route for a logging chute or road. Said applicant or applicants shall also file with such map and petition an undertaking, payable to the county wherein said application is made, with at least two sureties, which undertaking shall be approved by said clerk, and be conditioned that the applicant or applicants will pay all costs and expenses that may be incurred by reason of the filing of such petition, and all costs and expenses of viewing and surveying such proposed road or chute, whether the same is located or not.

SEC. 3. Upon the receipt of said map and petition by said clerk of said district court, said clerk shall issue a notice to each and every person named in said petition as owner, incumbrancer, tenant or otherwise interested therein at least fifteen days prior to the date set for the hearing of said petition, which notice shall notify such persons of the filing of said petition and map, and the time the same will come on for hearing before the judge of the district court for appointment of viewers, and shall be under the seal of the said district court, and signed by said clerk, and shall be in substantially the following form:

TERRITORY OF WASHINGTON, }
 County of..... } ss.

In the district court for..... county.

In the matter of the application of.....to
establish a logging roadway in.....county.

To.....

You will please take notice that.....has this day
filed a petition and map in the district court holding terms at
.....in and for.....county, praying a loca-
tion of a right of way for a logging road or chute through
lands now in your possession, situate in section....township
....range....in said.....county, and that said ap-
plication will come to be heard before the said judge of said
court, at chambers, for appointment of viewers to locate such
right of way, on the.....day of.....A. D....
at.....in the town of.....in said county and
territory, at the....hour of....m. of said day, at which time
you are required to appear and file your claim for any dam-
ages that you may consider you will sustain in case said right
of way is located, as by said map shown and in said petition
prayed; and, further, you do then show cause, if any you
have, why said right of way should not be located as by said
map shown and projected.

Witness my hand and the seal of the said court of
.....county this.....day of.....A. D....
[Seal of district court.]

Clerk.

SEC. 4. The time fixed in said notice for the hearing of
said petition shall not be less than thirty days after the filing
of said petition, or later than a day certain, to be fixed by the
judge of the said district court after the filing of such map
and petition; *provided*, that after the filing of said map and
petition the said judge of said district court may continue the
hearing on said petition from time to time upon application of
the petitioner for purpose of allowing the completion of ser-
vice of said notices.

SEC. 5. Said notice shall be served by delivery of a
copy thereof, duly certified as such, to the person or persons
to whom the same is directed, in the same manner as is pro-
vided for the service of a summons in a civil action in a dis-
trict court of this Territory, and shall be returned to the clerk
of said district court, and with him filed, together with proof
of service of the same, on or before the day set for hearing
of the petition; *provided*, that in case any such notice cannot
be served because of the absence from the Territory of the

person to whom it is directed, or because such person has become a non-resident of the Territory, the same may be served in manner and form as is prescribed by the laws of this Territory for service upon non-residents.

SEC. 6. Said clerk of the said district court shall also, at the time of the issuing of said notices provided for in section 3 of this act, issue a notice of the application so made, giving the point of commencement and place of termination of said proposed road or chute, and designating the lands through which the same will pass, in accordance with the applicant's map, by sections, townships and ranges, the name of the applicants, and the day and hour such application will come in for hearing and appointment of viewers, and notifying any and all persons having or claiming any interest in any of the said lands through which said road or chute is proposed to be located to be and appear before the judge of the district court of said district at such time and file their complaints for damages, or show cause why said road should not be located as asked by petitioners, which notice shall be under the seal of the district court, and shall be published for at least three consecutive weeks in a newspaper published in the county where such application is made; or, in case there be no such newspaper, then in a newspaper published in an adjoining county and of general circulation in the county where such application is made.

SEC. 7. At any time after the publication and service of said notice, and before the day therein set for hearing of the petition and appointment of viewers, any person or persons, to whom any such notice is directed, if such person or persons own any interest in any of the lands through which said proposed road or chute would pass, if located as shown on applicant's map, or any person or persons owning any interest in any such lands, or any tenant or encumbrancer thereof, shall have the right, if such person so desire, to file with said clerk a complaint for damages in such amount as he or she may deem that such land would be injured by the building of said road or chute if the same was constructed on the line proposed by the map filed by the applicant, and also any proposed change of such location, which the complainant may deem more advantageous to his or her interests, and which would not lessen the feasibility and directness of said proposed road, and the amount of damages that would be sustained by the applicant in case such proposed change of location were made,

if any, and may also file an answer, setting forth any facts adverse to the proposed location of said road or chute, which complaint or answer shall be verified by the person filing the same.

SEC. 8. Upon the day set for the hearing of such application the judge of the district court shall proceed to hear the allegations and testimony of all persons interested and shall determine and find the necessity, feasibility and advisability of said proposed location which finding and decision shall be in writing, and all parties thereto feeling aggrieved by the same may embody said grievance in the appeal provided by section fifteen (15) of this act. If said judge shall determine and find that said road or chute is necessary, feasible and advisable he shall appoint three disinterested, competent persons as viewers to view and locate said proposed right of way, and shall fix a day upon which he will receive the report of said viewers. Said viewers shall then be sworn by the clerk of said court, to discharge their duty as such viewers faithfully and impartially, and said judge shall then fix a day when said viewers shall begin the viewing and location of said road or chute, whereupon the clerk of said court shall deliver to said viewers the petition and map of the applicant and all complaints for damages and change of location of said chute or road.

SEC. 9. Upon the day so fixed by said viewers to begin the viewing and location of said road or chute said viewers shall meet at the point designated on the petitioner's map as the place of commencement of said road or chute and from said point view out and locate a right of way for a logging road or chute to the point of terminus fixed on the applicant's map. Said right of way and the width thereof shall be designated and established by said viewers.

SEC. 10. In all cases where no complaint as to place of location is made, said viewers shall follow as nearly as possible the route proposed on the applicant's map, and in all cases where complainant has asked said route to be changed, said viewers shall carefully examine the proposed line of change as compared with the proposed line fixed on applicant's map and shall adjust and change such line when the same can be so changed without materially increasing the cost of construction of said road or chute or rendering the same less practicable; *provided*, that in no case shall such right of way be located through a door-yard, barn-yard, hop-yard, garden or building of any kind except with the consent of the owners of such yard or orchard; *provided further*, that when such road or chute is located upon a lake or stream used or held by its owners as a place of public or private resort, the owner or owners of such road or chute after ceasing

to operate or run the same as provided in this act shall remove all obstructions within and upon such lake or stream caused by the construction or operation of such road or chute. And the applicant shall give bond in such amount as the judge of the district court may deem sufficient for the faithful performance of the terms of this proviso; *provided further*, that the term "waters" or navigable or drivable waters whenever used in this act shall not be held or construed to include an unmeandered lake of forty acres or less, or held and used for the purpose of public resort, or outlet thereof, or any private mill dam.

SEC. 11. Said viewers, at the time of locating of said right of way, where no changes are made in proposed line of applicant's map, and damages have been claimed by the owner, tenant, encumbrancer, or other person or persons interested in the land through which the same passes, shall fix and determine the damages suffered by the complainant, by reason of the opening of said road or chute, which amount they shall fix as complainant's damages, and where a complainant has asked, and said viewers have changed, the location of said proposed road or chute, they shall also fix and determine the damages suffered by the opening of the proposed road or chute as charged by them, which amount they shall fix as complainant's damages.

SEC. 12. Said viewers, when they have completed the location of said road or chute to its proposed terminus, shall, at such terminal point, select such space or frontage on said water or road, and such space of width along such frontage as they shall deem necessary under all the circumstances presented, [for] a roadway and landing of logs and lumber hauled or transported over said proposed road or chute, and shall assess the owner, lessee, tenant, encumbrancer, or other interested persons damaged in the same manner as provided for the fixing of damages caused by locating of said right of way for a logging road or chute; *provided*, that the provisions of this act do not apply to cities or incorporated towns; and shall thereafter, and on or before the day so set by the court for the filing of their report, return to the clerk of said court the petition, map, and complaints so furnished them by the clerk, and filed [file] therewith their report showing the location of said right of way, as fixed by them, and the amount of damages, if any, allowed by them to each of the complainants, and their opinion as to the necessity of the location of said road or chute to enable the applicant to remove the timber described in his petition.

SEC. 13. Upon receipt of said report of said viewers, if

the judge of the said district court is satisfied that the proposed road or chute is necessary, feasible and advisable for the removal to market of the timber described in the applicant's petition, the judge shall order any damages assessed by viewers' report to be paid by the applicant, and in case the complainants, or either of them, refuse to receive the amount assessed to them, that the sum be deposited with the clerk of said court, subject to the order of the complainant, and shall order the report of said viewers filed, and issue an order allowing and authorizing a logging road or chute to be opened, built and used on said right of way by the applicant.

SEC. 14. After the making of said order by the said judge of said court, and the payment of the damage assessed by said viewers, the said applicant shall have the right to at once, at his own cost, construct a logging road or chute over the right of way so fixed by said viewers, and whenever any road crosses any cleared ground or prairie which is inclosed by fence, the person or persons operating said road shall at all times maintain good and lawful gates whenever said road intersects such fences, which gates shall at all times be kept closed, except when the same are opened to allow the passage of logs, spars, piles or lumber, or supplies along said road, or, in lieu thereof, said person or persons shall maintain a good and lawful fence on either side of said road where the same passes through such field or prairie.

SEC. 15. Any complainant, who may conceive himself aggrieved by the amount of damages assessed to him under the provisions of this act, may, within twenty days after the report of the viewers has been adopted by the judge of said court and tender of the damages to him assessed thereby has been made, appeal therefrom, and notice of such appeal shall be filed with the clerk of said court, and immediately said case upon appeal shall be docketed and be ready for trial as if the same had come up on appeal from a justice of the peace to such district court in the same manner as appeals from justices of the peace, and if the appellant shall fail to recover a judgment more favorable to him than the report appealed from, he shall pay all costs of such appeal.

SEC. 16. Any applicant who shall consider himself aggrieved by the amount of damages fixed by any viewers' report, to be paid to any person through whose land a right of way may be fixed under this act, or when damages have been allowed to any person who does not own any interest in the

lands on which damages have been so fixed, may appeal therefrom within twenty days after the filing of the report to a jury of the district court of the proper county, but before such appeal is perfected, where applicant is appealing from the amount of damages assessed, he shall first tender to the party to whom such damages have been allowed the amount he deems just and full compensation, and in case on such appeal, judgment is found for any sum greater than the amount so tendered said appellant shall pay all costs of such appeal. Such appeal shall be taken in the same manner as provided in section fifteen (15) of this act, and the notice thereof shall specify what part of the viewers' report is appealed from.

SEC. 17. If at any time a road or chute, located under the provisions of this act shall not be used for logging purposes by the applicant or his assigns for a period of six months, the same shall be deemed abandoned, and shall revert to the person over whose lands the same has been constructed, and shall be deemed, and said lease be deemed forfeited as hereinafter provided, and shall not be again opened or used except by consent of the owners of the land over which the same has been built, or by reopening the same under the provisions of this act.

SEC. 18. If at any time any viewers file a report of a location of a road or chute under the provisions of this act, which an applicant therefor, or complainant, does not consider practicable or feasible, or not as practicable or feasible as could have been located on the route proposed by him without causing greater damage than the amount reported, such applicant or complainant may have such road re-viewed by other viewers, to be appointed by said court upon filing his objections to said report, specifying wherein the same is erroneous or defective.

SEC. 19. If any viewer or viewers shall refuse or neglect to perform the duties required of them by this act after they have qualified, or shall wilfully and knowingly alter or change a proposed line of road petitioned for under the provisions of this act, so that the same shall be impracticable, or so that the same cannot be constructed except at an unnecessary additional cost over the cost of construction of the road proposed, said viewer or viewers shall be answerable in damages to anyone injured by their refusal or neglect.

SEC. 20. Any person who shall wilfully obstruct or damage any road or chute built under the provisions of this

act, or who shall wilfully interfere with the building thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for contempt of court in such sum as the judge may deem correct and proper, and be liable for all damages caused.

SEC. 21. All costs of viewing and locating a logging road or chute under the provisions of this act, shall be borne by the applicant therefor, and the fees and charges of the clerk of the district court shall be the same as are allowed by law to the clerk of the district court for similar services, and the fees of the viewers shall be the same as are allowed to viewers of proposed county roads under the provisions of chapter CCXXIX of the Code of Washington Territory.

SEC. 22. All roads or chutes located and opened under the provisions of this act shall be deemed public highways, and under the control and charge of the board of county commissioners of the county wherein the same are situate, in so far as said board shall have the right to vacate any such road or chute when it appears to their satisfaction, either that the same is being used for any other purpose than logging or lumbering, or that the applicant or his assigns are not maintaining such road or chute in manner as by this act required; but the applicant or his assigns shall at all times have the right to appeal to the district court of the proper county from any order of a board of county commissioners vacating any such road or chute at any time within twenty days after the making of such an order.

SEC. 23. And all roads constructed under the provisions of this act shall be kept up and maintained at the sole cost of the applicant or his assigns, and no county shall be liable in damages for any cause whatsoever arising upon said road; and the owner or person operating any such road shall, when so requested, and upon delivery to him at rollway, at any point on such road, transport from any such point to the terminus of said road, any logs, spars or piles delivered by any person to such owner or person for transportation, and shall be liable and subject to the same regulations as a common carrier as to such property. But before any such transportation is made by any such person or owner of such road, such person or owner shall have the right to charge and collect from the person so offering such logs, spars or piles for transportation a sum for freightage to be agreed upon by them, which sum shall not exceed one dollar per thousand feet, board measure,

for the first twenty miles of such transportation, and five cents per thousand feet, board measure, for each and every additional mile over said twenty miles for transportation on said road. Nothing in this act shall be construed so as to exempt any road or property named therein from the operation of any law of this Territory relating to taxation.

SEC. 24. The land so appropriated as prescribed in this act shall not be by deed of conveyance vesting title, but the same shall be leased for such term of years or other term, and upon such conditions as the viewers and the person leasing the same agree upon, and when the person leasing shall refuse to agree upon any terms, the viewers shall make the said term and condition, subject, however, to the provisions of this act relating to appeals from their decision.

SEC. 25. This act shall take effect and be in force from and after the date of its passage and approval by the governor.

Approved February 2, 1888.

LEGISLATIVE ASSEMBLY — TIME OF MEETING.

CHAPTER LXXVIII.

AN ACT

TO FIX THE TIME FOR THE MEETING OF THE LEGISLATIVE ASSEMBLY OF WASHINGTON TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the next session of the legislative assembly of Washington Territory shall begin on the second Monday of January, 1889, at 12 o'clock noon, and the legislative assembly shall meet at noon on the 2d Monday of January and biennially thereafter.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

LEGISLATIVE ASSEMBLY—INCIDENTAL EXPENSES OF, ETC.

CHAPTER LXXIX.

AN ACT

TO APPROPRIATE MONEY FOR THE RELIEF OF CERTAIN EMPLOYEES OF THE PRESENT LEGISLATIVE ASSEMBLY; FOR THE PAYMENT OF INCIDENTAL EXPENSES FOR THE EXECUTIVE OFFICE, FOR THE TERRITORIAL AUDITOR'S OFFICE, AND FOR INCIDENTAL EXPENSES OF THE LEGISLATIVE ASSEMBLY, AND FOR OTHER PURPOSES.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That there be and hereby are appropriated, out of any moneys in the Territorial treasury not otherwise appropriated, the following sums for the purposes hereinafter specified, and to the persons hereinafter named, to-wit :

LEGISLATIVE ASSEMBLY.

For payment of the expenses of the joint committee on commerce and fisheries, as follows:

To W. T. Forrest, C. R. McMillan, Geo. H. Stevenson, J. N. Barker, and R. T. Hawley, each thirty dollars.

For payment of the special committee on coal mines as follows:

To John Keane and R. A. Case, each forty-eight dollars; to William Payne, J. Hamilton Lewis, J. M. Steele, each thirty-three dollars and eighty cents; to J. D. Hannegan, clerk of said committee, twenty-two dollars and fifty cents.

For expenses of special joint committee on the Washington School for Defective Youth:

To J. N. Barker, R. T. Hawley, Geo. H. Stevenson, C. R. McMillan and W. T. Forrest, each thirty dollars; to M. J. McElroy, R. W. Helm, J. P. Stewart, Edward Irwin, each five dollars, for visiting the Hospital for the Insane.

For expenses incurred by standing committee visiting the Territorial University at Seattle, as follows:

To W. T. Forrest and R. W. Helm, each ten dollars.

To Isaac Harris, for carpet, three dollars and seventy cents.

- To M. O'Connor, for type-writer paper, ten dollars.
- To Talcott Bros., for two clocks and repairing clock, twenty dollars.
- To N. H. Owings, for amount paid by him for indexing session laws of 1885-6, fifty dollars.
- To S. M. Percival, for extra services during present session, sixty dollars.
- To Elias Dwyer, for extra services, sixty dollars, rendered during present legislative session.
- To Rufus Cook, for extra services, sixty dollars.
- To L. L. Bowers, for extra services, sixty dollars.

EXECUTIVE OFFICE.

- To the governor, for the purchase of furniture for the executive office, two hundred and eighty-eight dollars.

AUDITOR'S OFFICE.

- To the Territorial auditor, for the purchase of furniture for his office, two hundred and fifty dollars, as follows:

Office chairs, twenty-five dollars.

Automatic letter press and fixtures, twenty-five dollars.

Letter and voucher filing cabinet, one hundred and twenty-five dollars.

Book cases, forty dollars.

High stand counting-room desk, twenty-five dollars.

Ink stand and desk fixtures, ten dollars.

- To Benjamin Harned, for one pigeon hole and filing case for preservation of Territorial records and manuscript laws in office of the secretary of the Territory, fifty-two dollars.

LEGISLATIVE EXPENSES.

- To Foster and Laberee, for hauling water and articles for use of assembly, twenty-six dollars.

- To N. H. Owings, for indexing session laws of 1887-8, one hundred dollars, or so much thereof as may be necessary.

- For incidental expenses of the legislature, the sum of two hundred and ninety-seven dollars and sixty-three cents, the warrant for which is to be issued to the sergeant-at-arms of the house of representatives upon the presentation of itemized accounts.

- For the improvement of the capitol buildings and grounds, five hundred dollars, to be expended under direction of the secretary of the Territory, to whom the warrant shall issue.

- To Albert L. Phillips, secretary of Columbia Fire Company No. one, the sum of ninety dollars, for rent of room for storing arms and equipments belonging to the Territory,

from February, 1886, to August, 1887, eighteen months, at five dollars per month.

SEC. 2. The Territorial auditor is hereby directed to draw warrants on the Territorial treasurer, as follows:

To the members of said legislative committee upon request; to the said employes of this legislative assembly upon the certificate of the chief clerk of the body to which said employe may belong, which certificate shall certify the number of days such employe shall have been in attendance thereon, and of the pay to which he or she is entitled thereunder; to the other persons herein named upon presentation of their itemized accounts.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved February 2, 1888.

LEGISLATIVE ASSEMBLY—Expenses of.

CHAPTER LXXX.

AN ACT

FOR THE RELIEF OF CERTAIN EMPLOYES OF THE PRESENT
LEGISLATIVE ASSEMBLY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the following named persons, who have been employed by the present legislative assembly, are entitled to pay as follows, that is to say: A. B. Cowles, six dollars per day; Wm. H. Hughes, six dollars per day; Eva B. Clark, five dollars per day; L. F. Boyd, five dollars per day; J. D. Hannegan, five dollars per day; Bertha D. Piper, five dollars per day; Jacob Julian, five dollars per day; J. A. Taylor, five dollars per day; Anna Tarbell, five dollars per day; Frank Seidel, five dollars per day; Nina Troup, five dollars per day; Maud Wilson, five dollars per day; Lula M. Carson, five dollars per day; Walter J. Milroy, five dollars per day; Willie Hagemeyer, five dollars per day.

SEC. 2. That upon the termination of the said employ-

ment of any of said persons, the chief clerk of the body to which said employe belongs shall make out and sign a certificate of the number of days such person shall have been in attendance thereon, and of the pay to which he or she is entitled thereunder, which certificate shall be countersigned by the president or speaker respectively of the body in which such person is employed.

SEC. 3. That upon the presentation of such certificate the Territorial auditor be and is hereby authorized to draw a warrant on the Territorial treasurer in favor of any person holding a certificate of service as above provided, which said warrant shall be paid out of any money in the Territorial treasury not otherwise appropriated; *provided*, that upon the expiration of thirty days of said service, as above provided, the Territorial auditor may issue his warrants on the Territorial treasurer for the amount due each of the persons mentioned in section 1 of this act, up to January 3, 1888, the balance due said persons to be paid upon warrants drawn at the expiration of said service, as provided in section 2 of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved January 28, 1888.

Legislative Assembly—Expenses.

CHAPTER LXXXI.

AN ACT

FOR THE RELIEF OF CERTAIN ADDITIONAL EMPLOYES OF THE
PRESENT LEGISLATIVE ASSEMBLY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the following additional clerks appointed to perform clerical work during the present legislative assembly are entitled to, and shall receive the following sum of money respectively, to wit: A. J. Munson, twenty-five dollars; Millie R. Deane, twenty dollars; Lucy E. Munson, thirty-five dollars; Margie Grainger, thirty dollars; Emma S. Reed, ten dollars;

Annie B. Cowles, forty dollars and Rebecca B. Henry, forty dollars.

SEC. 2. The Territorial auditor is hereby directed to draw warrants on the Territorial treasurer for the amounts above named, and in favor of the above named persons, upon presentation of certificates signed by the chief clerk of the body to which said employes belong, which certificates shall be countersigned by the president or speaker respectively of the body in which such person is employed.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 2, 1888.

Legislative Assembly—Postage Stamps for.

CHAPTER LXXXII.

AN ACT

TO APPROPRIATE THE SUM OF \$180 FOR THE PURCHASE OF POSTAGE
STAMPS FOR THE USE OF MEMBERS.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That the Territorial auditor be, and he is hereby authorized to draw a warrant upon the Territorial treasurer in favor of the sergeant-at-arms of the council, for the sum of \$60, and another warrant in favor of the sergeant-at-arms of the house for the sum of \$120, for the purpose of purchasing postage stamps, to be divided equally among the members of the legislative assembly.

SEC. 2. This act shall take effect and be in force from and after its approval.

Approved January 18, 1888.

MILITIA—ORGANIZATION OF.

CHAPTER LXXXIII.

AN ACT

FOR THE MORE EFFICIENT ORGANIZATION AND DISCIPLINE OF
THE MILITIA OF THE TERRITORY OF WASHINGTON.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. The militia of this Territory shall consist of all able-bodied male citizens between the age of forty-five and eighteen years, except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this Territory.

SEC. 2. Persons whose religious tenets or conscientious scruples forbid them to bear arms, shall not be compelled to do so in time of war, but shall pay an equivalent for personal service.

SEC. 3. The brigadier-general, colonels or commandants of regiments and battalions, shall severally appoint their staff officers, and the governor shall commission all officers of the line and staff ranking as such.

SEC. 4. The military board provided by this act shall fix by law the method of dividing the militia into regiments, battalions and companies, and make all other needful rules and regulations in such manner as they may deem expedient, not incompatible with the constitution of the United States or the organic act of Washington Territory, and shall fix the rank of all staff officers.

ARTICLE I.

SECTION 1. That it shall be the duty of the assessor of each county in this Territory, annually, at the time prescribed by law for assessing property, to make out a list of all persons in their respective counties who are liable to do military duty under the laws of the United States and of this Territory, which list shall be alphabetically arranged, and shall designate the precinct in which each person named in such list resides, which shall be filed by such assessor in the office of the auditor of their respective counties, at the same time and in the same manner as is provided by law for the assessment roll, and the auditor shall keep the same open for inspection as is provided by law for the

assessment roll, and also record the same in his office, in a book to be kept by him for that purpose.

SEC. 2. That the said assessment list shall be corrected in the same manner and at the same time as is provided by law for the assessment roll, and it shall be the duty of the auditor of each county to deliver to the adjutant general of the Territory a duplicate of said list, certified by him, within twenty days after the list has been corrected, and the compensation for making out said military list shall be determined and fixed by the county commissioners.

SEC. 3. If any assessor shall neglect or refuse to perform any of the duties required of him by this act, he shall be subject to the same penalties, liabilities and punishment, as is provided by law for neglect or refusal to perform any of the duties required of him for the assessment of taxes; and, moreover, he shall forfeit and pay the sum of not less than three hundred and not more than one thousand dollars, to be sued for in the name of the Territory by the district attorney of the respective county, and recovered in the name of the Territory, and paid into the military fund of the Territory, and if the auditor shall neglect or refuse to make and deliver to the adjutant general a duplicate of the military assessment list, as directed by this act, he shall forfeit and pay the sum of not less than two hundred and not more than five hundred dollars, to be sued for and recovered in the same manner as is provided in this section with respect to the assessor, and paid into the military fund of the Territory.

ARTICLE II.

SEC. 4. All persons subject to military duty under the laws of this Territory, and not exempt therefrom by the provisions of this act, and such other male persons who shall voluntarily enroll themselves, shall be divided into two classes, to-wit: One consisting of those who enlist in the active militia of the Territory under the provisions of this act, which shall be known as the national guard of Washington, and the other to consist of all those subject to military duty, but not included in the above active or enlisted militia; the latter class to be known as the Washington reserve militia.

SEC. 5. The following persons are exempt from military duty: First—All persons in the army or navy or volunteer force of the United States, and those who have been honorably discharged therefrom; all persons who shall have served in the national guard of Washington for the term of seven years, and have been honorably discharged therefrom; all the judges and clerks of the several courts of this Territory, and the Territorial and county officers. Second—Idiots, lunatics,

paupers, habitual drunkards, and persons convicted of infamous crimes; *provided*, that the aforesaid exempted persons included in the first subdivision of this section shall be liable to military duty in case of war, insurrection, on imminent danger thereof.

ARTICLE III.

SEC. 6. The governor of the Territory shall be commander-in-chief of the militia, and shall have power to appoint one quartermaster-general, one inspector-general, one judge-advocate-general, one paymaster-general, and one surgeon-general, each with the rank of colonel, and four aides-de-camp with the rank of lieutenant-colonel, and one assistant adjutant-general with the rank of major. The surgeon-general shall be ex-officio chairman of any board of surgeons convened for the purpose of examining those who may desire position on the medical staff of the Territory.

SEC. 7. At each general election there shall be elected by the people one brigadier-general, and one adjutant-general with the rank of brigadier-general, who shall hold their respective offices for the term of two years, from the first Monday in January following their election and until their successors are elected and qualified. The brigadier-general shall appoint one assistant adjutant-general, one brigade-quartermaster, each with the rank of captain, and three aides-de-camp with the rank of first lieutenant, all to be commissioned by the governor. The brigade-quartermaster shall also be commissary of subsistence. The adjutant-general shall appoint one assistant adjutant-general with the rank of colonel, and two aides-de-camp with the rank of captain.

SEC. 8. The Territory shall constitute one brigade, and shall be divided by the military board into two regimental districts, with power to alter and change the same at pleasure.

SEC. 9. All enlistments in the national guard of Washington shall be for the term of three years, and the military board shall adopt such muster-in form, oath or affirmation, and triplicate muster-in papers, for the provisions of carrying out this act; one copy to be forwarded to the adjutant-general's office, one to regimental headquarters, and a copy to be retained by the commanding officer of such company of which he shall be a member; the signing of said papers, and taking the oath as above required upon enlistment, shall constitute a valid enlistment for three years in the national guard of Washington.

SEC. 10. Commissions of officers on the personal staff of the commander-in-chief, and staff of general officers, shall continue in force only during the term of the office of said commander-in-chief, or general officer, or during their pleasure.

SEC. 11. In time of peace the national guard of Washington shall consist of not more than twelve companies of infantry and one company of cavalry. The said companies may be arranged into regiments or battalions. Infantry and cavalry companies, under the provisions hereof, shall consist of not less than twenty-four nor more than sixty non-commissioned officers, musicians and privates. Any company presenting less than the minimum number of twenty-four non-commissioned officers and privates at any stated muster of the company, regiment or brigade, shall be disbanded by order of the commander-in-chief. The commissioned officers of said regiment and company shall be the same as those of similar organizations in the army of the United States.

SEC. 12. That the organized companies now comprising the active militia of this Territory shall hold their positions in their respective regiments or battalions, and are hereby declared a part of the national guard of Washington, and all companies organized under the provisions of this act shall take their place in rank according to date of commission of commanding officer; *provided*, the number of active infantry companies do not exceed twelve in number; *and further provided*, that in case any of the existing companies decline to avail themselves of the provisions of this act within sixty days from and after its passage, they shall be disbanded, and the arms and equipments held by such companies shall be returned to the Territory forthwith.

SEC. 13. There shall be a military board, consisting of the brigadier general (who shall be chairman of said board), the adjutant general, and one field officer to be appointed by the commander-in-chief. The military board shall constitute an advisory body to the commander-in-chief in all the military interests of the Territory. They shall audit all claims against the Territory, and no contract on behalf of this Territory for military purposes shall be valid as against the Territory until the same shall be approved by this board. They are hereby authorized and empowered to prepare and promulgate the necessary provisions, rules and regulations for the organization, government and compensation of the national guard of Washington not inconsistent with the laws of the United States or of the Territory of Washington, and said provisions, rules and regulations, together with such alterations or amendments as may be required from time to time, when approved by the commander-in-chief, shall be in force from the date of their publication in general orders; they shall have power to make

any changes in the military organization of this Territory that may become necessary to conform said organization to the laws of the United States; *provided*, that the expenses thereof to the Territory shall not be increased by such change. A majority of said board shall constitute a quorum for the transaction of business.

ARTICLE V.

SEC. 14. Every commissioned officer of the national guard of Washington shall provide himself with a suitable uniform within sixty days from date of his commission; but every non-commissioned officer, musician and private shall be furnished with a uniform, arms and equipment at the expense of the Territory, as hereinafter provided.

SEC. 15. The Territorial military board shall cause to be procured the uniforms, arms, equipments, and camp and garrison equipage which may be required from time to time for the purposes provided in this act, and they shall prescribe the rules and regulations under which they shall be issued to and used by the national guard of Washington; *provided*, that the prices paid for arms, uniforms and camp and garrison equipage shall in no case exceed the prices paid for the said articles of like quality for the army of the United States. The said uniforms shall be prescribed by the military board.

SEC. 16. Whoever shall secrete, sell, dispose of, offer for sale, or in any manner pawn or pledge, or retain or refuse to deliver to an officer entitled to take possession thereof any uniform, arms or equipments, or other property which shall have been procured under the provisions of this act, and any member of the national guard of Washington who shall, when not on duty, wear any such uniform or equipments without the permission of his commanding officer, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than thirty days, or by a fine of not less than ten dollars nor more than one hundred dollars.

ARTICLE VI.

SEC. 17. When any company shall be fully organized under the provisions of this act, having not less than the minimum number of uniformed members, the Territory will pay annually the sum of three hundred dollars, or so much thereof as may be necessary for the use of such building or rooms to be used by the said company for headquarters, armory and

drill room, and other necessary expenses of running such company. The military board shall prescribe the necessary rules and regulations for the care and government of the said armory.

SEC. 18. Each and every company organized under the provisions of this act, shall meet at least twice in each month at their armory for military instructions, at which time the commanding officer of the company, or some suitable person detailed by him, shall drill the company not less than two hours, in the school of the soldier, the manual of arms, and the movements of the company.

SEC. 19. There shall be an annual muster and camp of instruction of the national guard of Washington at such time and place, or places, as the commander-in-chief may designate, at which time the companies shall be drilled, inspected and reviewed by battalions, regiments or brigades. Such camp of instruction shall continue for a period of not less than three nor more than six days, and shall be governed by such rules and regulations as shall be prescribed by the military board, and there shall be two annual parades; one on Memorial Day and on the Fourth of July.

ARTICLE VII.

SEC. 20. The military forces of this Territory, when in actual service of the Territory in time of war, insurrection, invasion, or imminent danger thereof, shall, during their time of service, be entitled to the same pay, rations and allowances for clothing as are at the time of the said service allowed by law in the army of the United States.

SEC. 21. No officer, non-commissioned officer, musician or private shall receive any compensation from the Territory during time of peace, except as in this act provided; when in attendance at annual muster or camp of instruction, the national guard of Washington shall receive the following compensation per diem: Non-commissioned officers, musicians and privates, one dollar and fifty cents; in addition thereto each officer and enlisted man of the national guard of Washington shall be entitled to one ration per day while in attendance at said muster or camp of instruction.

SEC. 22. In case of war, insurrection, invasion or imminent danger thereof, or any forcible obstruction to the execution of the laws, or reasonable apprehension thereof, the governor, if he deems the organized national guard insufficient to defend the Territory or to aid civil authorities to enforce the

laws, may, in his discretion, either call for volunteer recruits to temporarily fill companies of the national guard to the maximum strength, or authorize the temporary organization of volunteer companies, or he may do both; such temporary volunteers shall be discharged when directed by the commander-in-chief, or as soon as the emergency for which they were required has passed, and while in such service they shall be subject to the same discipline and penalties and receive the same pay as the regular national guard.

SEC. 23. If any soldier is wounded or otherwise disabled, or is killed, or dies of wounds received while doing military duty according to law in case of invasion, insurrection or disturbance of the peace, he, his widow or children shall receive from the Territory such just and reasonable relief as the legislature shall deem proper.

ARTICLE VIII.

SEC. 24. The governor may order court-martial for the trial of officers and enlisted men of the national guard on proper charges and specifications, the proceedings of which shall be as provided by the military board, conforming to the regulations, articles of war and practice for the government of the army of the United States as near as may be; and the governor in ordering a court-martial, shall detail a judge-advocate for the same.

SEC. 25. Regimental and battalion court-martial may be convened by order of commandants of regiments or battalions approved by the governor under such regulations as the military board may prescribe. The proceedings, findings and sentences of all courts-martial shall, unless otherwise ordered by the governor, be reviewed by the judge-advocate-general and approved or disapproved by him.

SEC. 26. The president of a court-martial may issue subpoenas, enforce the attendance of a witness, and punish a refusal to be sworn, or to answer, as provided in civil actions.

SEC. 27. Commandants of companies may appoint courts of discipline, under the rules and regulations prescribed by the military board for the trial of members of their respective companies for violations of the militia law, the general code of regulations or the authorized by-laws of their companies.

SEC. 28. When fines assessed by court-martial or courts of discipline are not paid within ten days after the sentence is approved by the reviewing officers, and returned to the com-

mandant, a list thereof and of the delinquents shall be placed in the hands of justices of the peace within the precincts in which the delinquents respectively reside, who shall thereupon render judgment against such delinquents separately, together with the cost of suit, without issuing process, and shall issue execution thereon, without stay, directed to any constable of the proper precinct, who shall collect the same without exemption.

SEC. 29. Dues levied by the by-laws of any militia organization may be collected by civil suit without right of stay or exemption; and all suits for the collection of fines or dues shall be brought in the name of the Territory of Washington for the use of the company, but in no case shall the Territory pay any costs of such suit.

SEC. 30. In all criminal prosecutions for violations of the provisions of this act, fines and penalties collected by justices of the peace as hereinbefore provided, shall be paid into the treasury of the proper county, and applied to the support of the common schools.

ARTICLE IX.

SEC. 31. The commander-in-chief shall have power in case of invasion, insurrection or breaches of the peace, or imminent danger thereof, to order into the service of the Territory any of the companies, battalions, regiments, or the brigade of the national guard or of the militia force of the Territory that he may deem proper, and under the command of such officers as he shall designate; and in such case the forces so called into service shall receive the same pay and rations as troops in the service of the United States.

SEC. 32. Any non-commissioned officer, musician or private, who shall neglect or refuse to obey the orders of his commanding officer, in case of invasion, insurrection, riot, tumult, breach of the peace or resistance to process, hereinbefore provided for, shall be liable to a fine of not less than twenty nor more than one hundred dollars and imprisonment in the county jail for a period not exceeding three months.

ARTICLE X.

SEC. 33. The uniforms, arms and equipments required by law or regulations of every soldier of the national guard, shall be exempt from all suits, distresses, executions or sales for debt, or the payment of taxes.

SEC. 34. That all military commissions of both the militia and volunteer service, the issue of which is authorized by the laws of this Territory, shall be signed by the governor, sealed with the great seal of the Territory, and attested and recorded by the adjutant-general.

SEC. 35. For the purpose of raising revenue to defray the current expenses of the militia, there is hereby levied, and the proper officers shall collect, a tax of one-fifth of one mill upon all property in the Territory subject to taxation, for the fiscal year ending September thirtieth, eighteen hundred and eighty eight, and for each fiscal year thereafter.

SEC. 36. The revenue raised under the provisions of this act shall be paid into the Territorial treasury, and be converted into a special military fund, from which special fund only shall be paid any of the expenses authorized by this act, and this act shall not be construed to authorize any expenditure in excess of such revenue for any one year.

SEC. 37. The auditor of the Territory is hereby authorized and required to draw warrants on the Territorial treasurer for the purposes and amounts specified in this act, on the presentation to him of itemized bills and estimates, verified by affidavit of the claimants, audited by the military board and approved by the governor.

ARTICLE XI.

SEC. 38. The military officers of this Territory not hereinbefore provided for shall be chosen as follows: The field officers of regiments and battalions, by the written or printed votes of the commissioned line officers of the companies of the respective regiments or battalions; field officers of regiments or battalions shall hold office for four years, and until their successors are chosen and qualified; commissioned officers of companies shall be elected by the written or printed votes of the non-commissioned officers and privates of their respective companies.

SEC. 39. The commissioned officers of companies shall hold office for three years, and until their successors are elected and qualified.

SEC. 40. The commissions of all field officers now in force shall expire on the first day of June, eighteen hundred and eighty-eight, when an election will be held in compliance with the provisions of this act, and the commissions of all company officers now in force shall expire on the first day of May, eighteen hundred and eighty-eight, when an election will be held in compliance with the provisions of this act.

SEC. 41. All appointments, elections and promotions to office hereafter in the militia of the Territory of Washington, shall be on their proper qualifications to fill the office for which they are elected, and the military board shall cause the proper rules, and provide for an examination, as often as they may

deem it for the best interest of the national guard, of all officers comprising the militia; and all applicants for promotion or election shall be examined in the tactics in use in the United States army, and in the various branches of military science, and the military board shall have, and are hereby empowered, to summons any officer or officers before any board of examiners that they shall provide. Any officer failing to appear before such board after proper notification, shall be guilty of disobedience of orders.

SEC. 42. The military board shall cause and require proper bonds to be given, with good and satisfactory sureties, from all officers who have any military Territorial property in their charge or possession, said bond to be filed with the adjutant-general before any commissions shall be issued or property turned over to applicants.

SEC. 43. In time of peace the adjutant-general shall be ex-officio quartermaster-general, and shall perform the duties of the office; he shall give such bonds to the Territory for the proper discharge of the duties of his several offices as the military board may determine, said bond to be placed in the custody of the Territorial treasurer, as security to the Territory.

SEC. 44. The military board is hereby authorized to provide each organized regiment or battalion now formed, or that may be formed, under the provisions of this act, and that the brigadier-general commanding the brigade shall certify that it is in such a state of discipline and efficiency as to be deserving of the honor, with a regimental flag and regimental guidon.

SEC. 45. Such regimental or Territorial flag shall be of blue silk, with the arms of the Territory embroidered or painted in the center, with the number, motto and arm of service of the regiment in a scroll underneath. The size of the flag shall be six feet six inches fly, and six feet on the pike. The fringe shall be yellow, . . . inches deep, and the cord and tassel blue and white intermixed. The length of the pike shall be ten feet, including the spear.

SEC. 46. The national flag and regimental guidons carried by each regiment shall be the same as prescribed for regiments of the same arm in the United States army.

SEC. 47. No flag but that of the United States and that of the Territory of Washington shall be carried by the national guard of Washington Territory.

SEC. 48. The systems of tactics and field exercises ordered to be observed by the army of the United States, and the different arms of service, or such other system as may be prescribed by the militia laws of the United States, shall be ob-

served by the militia of this Territory, to the exclusion of all other systems.

SEC. 49. For the improvement of the national guard, and the use of its weapons in target practice, the military board shall provide the rules to govern all ranges and the system of carrying out the rifle practice.

SEC. 50. All active members of the national guard of Washington are hereby declared exempt from all military, poll or road tax, and jury duty, so long as they continue to be active members of the military organization of this Territory.

SEC. 51. This act shall be printed in pamphlet form, and the adjutant-general shall distribute to the commissioned officers of the national guard of the Territory one copy thereof to each, at as early a day as possible after the approval by the governor.

SEC. 52. All preceding acts or parts of acts in conflict with any of the provisions of this act, or upon any subject embraced within it, are hereby repealed, and this act shall take effect immediately after its approval by the governor.

Approved January 28, 1888.

MILITIA LAW—TO CARRY INTO EFFECT.

CHAPTER LXXXIV.

AN ACT

TO [FOR] CARRYING INTO EFFECT THE PROVISIONS OF AN ACT ENTITLED, "AN ACT FOR THE MORE EFFICIENT ORGANIZATION AND DISCIPLINE OF THE MILITIA OF THE TERRITORY OF WASHINGTON," APPROVED JANUARY 28, 1888.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That until the collection of the tax provided for in section number 35, of an act entitled, "An act for the more efficient organization and discipline of the militia of the Territory of Washington," approved January 28, 1888, the expenses incident to the service of the national guard of Washington for the year 1888 shall be paid out of the gen-

eral fund of the Territory, upon vouchers duly approved by the military board and the governor.

SEC. 2. Upon the payment into the Territorial treasury of the tax provided for in section number 35 of the act aforesaid, the Territorial treasurer shall transfer from the said military fund to the general fund the amount by him ascertained to have been paid out of said general fund on account of the national guard of Washington.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved February 2, 1888.

MARKS AND BRANDS.

CHAPTER LXXXV.

AN ACT

TO REPEAL AN ACT ENTITLED, "AN ACT TO AMEND SECTION 2552, CHAPTER CXCVIII, OF THE CODE OF WASHINGTON TERRITORY RELATING TO MARKS AND BRANDS," APPROVED FEBRUARY 4, 1886.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That an act entitled, "An act to amend section 2552, chapter CXCVIII, of the code of Washington Territory, relating to marks and brands," approved February 4, 1886, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

MEDICINE AND SURGERY.

CHAPTER LXXXVI.

AN ACT

TO AMEND SECTION 2286 OF CHAPTER CLXIX OF THE CODE OF WASHINGTON TERRITORY, RELATING TO THE PRACTICE OF MEDICINE AND SURGERY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 2286 of chapter CLXIX of the code of Washington Territory, relating to the regulation of the practice of medicine and surgery, be so amended as to read as follows:

Section 2286. Any person whose medical diploma has been destroyed or lost, shall present to the auditor of the county in which he resides or sojourns, a duly certified copy of his diploma, but in case the college or university from which such practitioner claims to have been graduated be defunct, a certified copy, verified under oath, of such graduation shall be filed in lieu of the diploma, to which the practitioner shall make affidavit before the auditor, after which the practitioner shall be allowed to register in manner and form as prescribed in section 2287 of the code of Washington Territory, and the auditor shall place such certificate and verification on file in his office for inspection by the public; and any person swearing falsely shall be deemed guilty of perjury and punished accordingly.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 2, 1888.

MINING CLAIMS.

CHAPTER LXXXVII.

AN ACT

RELATING TO THE LOCATION AND RECORDING OF QUARTZ MINING CLAIMS AND PROVIDING FOR ASSESSMENT WORK DONE THEREON.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That all mining claims upon veins or lodes of quartz or other rock in place, bearing gold, silver or other valuable mineral deposits heretofore located, shall be governed as to length along the vein or lode by the customs, regulations and laws in force at the date of such location.

SEC. 2. A mining claim located upon any vein or lode of quartz or other rock in place, bearing gold, silver or other valuable mineral deposits, after the approval of this act by the governor, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claims located. No claims shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claims be limited by any mining regulation to less than fifty feet of surface on each side of the middle of such vein or lode at the surface, excepting where adverse rights, existing at the date of the approval of this act, shall make such limitation necessary. The end lines of each claim shall be parallel to each other.

SEC. 3. The locators of all mining locations heretofore made or hereafter made under the provisions of this act, on any mineral vein, lode or ledge on the public domain, and their heirs and assigns so long as they comply with the laws of the United States and the Territorial and local laws relating thereto, shall have the exclusive right to the possession and enjoyment of all surface included within the lines of their location, and of all veins, lodes and ledges throughout their entire depth, and the top or apex of which lies within the surface lines of such location, extending downward vertically, although such veins, lodes or ledges may so far depart from the perpendicular in their course downward

as to extend outside of the vertical side line of said surface location.

SEC. 4. The miners of each mining district may make any rules and regulations governing this [the] location and amount of work necessary to hold possession of a mining claim, not in conflict with the laws of the United States or of this Territory; but on each claim it shall be necessary to do at least one hundred dollars worth of work each year, and the first year shall date from the date of location of such claim. A failure to comply with this requirement, shall work a forfeiture of the claimant's rights to such claim, and the same shall become subject to relation [re-location].

SEC. 5. The miners of each mining district may elect a recorder of the said district. When so elected, such recorder shall provide books of record, in which it shall be his duty to record all notices of locations or transfers, bonds, conveyances or assignments of mining claims within his district when the same shall be presented to him for record. Such records are hereby declared to be public records open to inspection, and shall have the same force and effect so far as notice is concerned, as the records of deeds and mortgages, in this Territory.

SEC. 6. When a recorder shall be elected as provided in section 5 of this act, he shall hold his office for a term of one year from the date of his election, and until his successor is elected and qualified. He shall, immediately after his election, file with the county auditor, of the county in which his district is situated, an oath to the effect that he will faithfully discharge the duties of his office. He shall be a certifying officer, and certified copies of his records shall have the same force and effect as similar papers certified by other officers of this Territory. His fees shall be the same as those of the county auditor for similar work, and should the office of recorder in any mining district at any time become vacant, it shall be the duty of the person last holding said office, and of any person into whose possession the same may come, to forthwith transmit all the records, papers and files of the said office to the auditor of the county in which such district is located, and such auditor shall thereafter keep the same as part of the records and files of his office.

SEC. 7. Inasmuch as section five and six of this act leaves the election of a recorder for a mining district optional with the miners thereof, all location notices, bonds, assignments and transfers of mining claims shall be recorded in the office of the county auditor of the county where the same is situated within thirty days after the execution thereof; *provided*, that all records of mining claims and of assignments, deeds, bonds and transfers heretofore made by any recorder of any mining district, or by

any county auditor, are hereby declared to be valid and to have the same force and effect as records made in pursuance of the provisions of this act.

SEC. 8. All acts and parts of acts in conflict with this act, be, and the same are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its approval by the governor.

Approved February 2, 1888.

MORTGAGES ON HOMESTEADS.

CHAPTER LXXXVIII.

AN ACT

TO AMEND SECTION 344 OF CHAPTER 32 OF THE CODE OF WASHINGTON TERRITORY, RELATING TO THE GIVING OF MORTGAGES ON REAL ESTATE OWNED AND OCCUPIED AS A HOMESTEAD.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 344 of chapter 32 of the code of Washington be and the same is hereby amend to read as follows:

Section 344. Nothing herein contained shall be construed to prevent the owner of a homestead from voluntarily mortgaging the same. "But no such mortgage shall be valid against the wife of a mortgagor, unless she shall sign and acknowledge the same."

SEC. 2. This act shall take effect and be in force from and after the first day of March, 1888.

Approved January 31, 1888.

NOTARIES PUBLIC—VALIDATING ACTS OF.

CHAPTER LXXXIX.

AN ACT

VALIDATING THE ACTS OF NOTARIES PUBLIC APPOINTED UNDER AND BY VIRTUE OF AN ACT ENTITLED, "AN ACT TO AMEND SECTION 2615, CHAPTER CCIV, OF THE CODE OF WASHINGTON," APPROVED NOVEMBER 28, 1883, AND APPOINTMENTS MADE THEREUNDER.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That all appointments of notaries public in Washington Territory made by the governor, under and by virtue of an act entitled, "An act to amend section 2615, chapter CCIV, of the code of Washington," approved November 28, 1883, be and the same are hereby declared to be valid and legal.

SEC. 2. No official act heretofore done or performed, or hereafter to be done or performed by any notary public of this Territory appointed under the provisions of the act aforesaid, shall be invalidated or considered null or void by reason of any irregularity or informality in their appointments, or by reason of the invalidity of said statute.

SEC. 3. This act to take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

PENITENTIARY—CONSTRUCTION OF.

CHAPTER XC.

AN ACT

TO PROVIDE FOR THE FURTHER CONSTRUCTION OF PENITENTIARY BUILDINGS AT WALLA WALLA; FOR THE PURCHASE OF NECESSARY PLANT FOR THE MANUFACTURE OF GRAIN SACKS THEREAT; FOR HEATING AND LIGHTING THE SAME; FOR THE MAINTENANCE OF PRISONERS THEREIN CONFINED; TO COVER DEFICIENCIES FOR PAST EXPENDITURES MADE ON ACCOUNT OF THE SAME, AND APPROPRIATING MONEY THEREFOR.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That there be and hereby is appropriated, for the purposes hereinafter named, out of any funds in the Territorial treasury not otherwise appropriated, the following sums for the following purposes, to-wit:

TO COVER DEFICIENCIES.

- | | |
|--|-------------|
| 1. For cost of removal of prisoners from the old to the new penitentiary | \$ 3,440.80 |
| 2. For unpaid salaries of commissioners and employes | 1,050.00 |
| 3. For deficiency in last appropriation for maintenance of prisoners | 21,000.00 |
| 4. For maintenance of prisoners for next two years. | 55,000.00 |
| 5. For new cell wing | 30,000.00 |
| 6. For warden and guards' quarters | 10,000.00 |
| 7. For necessary plant for manufacture of grain sacks | 25,000.00 |
| 8. For heating and lighting, etc. | 25,000.00 |
| 9. For barn, stable, granary, horses, cows, implements, etc. etc. | 3,000.00 |

SEC. 2. That it shall be the duty of the governor, within ten (10) days after the approval of this act, to appoint three (3) competent persons, residents of this Territory, not more than two of whom shall be of the same political party, who shall constitute a board of commissioners for the management and

control of the penitentiary at Walla Walla, and for the further construction of penitentiary buildings herein named, and for the management and control of the same, and whose terms of office shall be two (2) years, and until their successors are appointed and qualified.

SEC. 3. Each of said commissioners, before entering upon the duties of his office, shall take and subscribe an oath before any officer of the Territory qualified to administer the same, that he will faithfully and impartially perform the duties of his office according to law, and shall enter into a bond to the governor of the Territory, with two (2) or more good and sufficient sureties, to be approved by said governor, in the sum of five thousand (\$5,000) dollars, conditioned for the faithful performance of his duty according to law, which oath and bond shall be filed in the office of the secretary of the Territory.

SEC. 4. The persons appointed as commissioners, under the provisions of this act, or a majority of them, shall meet at the said city of Walla Walla, on the second Monday of March, 1888, and shall organize by electing one of their number president of the board and one of their number secretary.

SEC. 5. Should a vacancy occur in said board of commissioners by failure to qualify, death, resignation or otherwise, the governor shall appoint some suitable person, a resident of the Territory, to fill such vacancy, and the person so appointed shall qualify according to the provisions of this act, and shall enter upon the duties of commissioner as herein provided.

SEC. 6. It shall be the duty of the president of the board to preside at the meetings thereof, and to superintend the performance of all contracts for labor and material which may have been authorized by the board; to see that the terms of each contract are fulfilled, and to do and perform such other duties pertaining to the erection of said penitentiary buildings as the board shall direct; *provided*, that no member of the board shall be interested, directly or indirectly, in any contract of any kind connected with the erection of said penitentiary buildings, or in any expenditures made on account of maintenance of the same, during their continuance in office, under the penalty of three thousand (\$3,000) dollars, to be prosecuted and collected of him and the sureties upon his official bond, upon an action of debt under the direction of the governor.

SEC. 7. All accounts shall be audited by the Territorial auditor, and no money shall be paid by the Territorial treasurer for any purpose connected with the erection of said penitentiary buildings, on [or] the maintenance of the institution, or for any purchases on account of the same, except on a warrant or warrants drawn on him by the Territorial auditor for the payment

of bills, certified to by the said board of commissioners, and signed by the president and secretary thereof; and every such warrant shall express upon its face whether the amount so required is for materials furnished or services rendered or labor performed, and the board shall in no case sanction the payment of any money, unless the labor has been performed or the materials have been furnished in accordance with a contract entered into under the provisions of this act, for which any such payment is contemplated; and it shall be the duty of the Territorial treasurer to pay all warrants drawn by said Territorial auditor as herein provided, out of any money in his hands applicable thereto.

SEC. 8. In the purchase of necessary plant for the manufacture of sacks, and necessary machinery and appliances for heating and lighting the penitentiary, the board of commissioners, after making a thorough investigation of the various systems of electric lighting, and the fullest possible inquiry respecting the mode of manufacturing jute sacks, and the kind of machinery best adapted therefor, shall proceed in like manner for the purchase of the same, as provided in section 10 of this act; and no system or plant of electric light, when established and used for the lighting of penitentiary buildings, shall be used for any other purpose.

SEC. 9. The said board of commissioners shall take into their possession any and all materials, and contracts for material and labor, and shall proceed, with as little delay as possible, to erect a suitable fire-proof cell wing, which shall be attached to the main penitentiary building, and which shall be constructed of stone, brick and iron, or steel, or of either of said materials, in accordance with the plan or plans thereof, which may be adopted by said board, or a majority of them; and they shall also erect suitable brick or stone buildings for warden and guards' quarters; also barn, stable and granary, in accordance with the plan or plans thereof, which may be submitted and approved by said commissioners.

SEC. 10. All contracts and all work thereunder, of whatever nature, shall be under the supervision and control of said board, and no contract shall be entered into for materials or labor for the erection of said penitentiary buildings until approved by the said board, or a majority thereof, nor until the said board shall have first given notice, by publication in one or more newspapers published in the Territory for three (3) successive weeks, inviting sealed proposals for the labor and furnishing the necessary materials for the fulfillment of the proposed contracts, and specifying the character and amount of the bond which will be required for the fulfillment

of the conditions of said contracts; and in all cases contracts shall be given by the board to the lowest and best responsible bidder, who will give the required security, and in accordance with plans and specifications to be submitted and approved by said commissioners; *provided also*, that when there shall be but one bid, the approval of every member of the board shall be necessary to complete the proposed contracts; *provided also*, that the said board shall reject any or all bids at their discretion when deemed excessive, and again advertise for proposals.

SEC. 11. The said board of commissioners shall keep an office at the city of Walla Walla, and after the first meeting, as in this act provided, they shall meet at such time as they may elect.

SEC. 12. Each of said commissioners, in consideration of services rendered, shall receive an annual salary of six hundred (\$600) [dollars] and his actual and necessary traveling expenses in attending the meetings of said board, and no more, payable quarterly out of the fund appropriated for the erection and maintenance of said penitentiary, and in the same manner that other accounts against said fund are paid.

SEC. 13. It shall be the duty of said commissioners to purchase, at the lowest market price in cash, only such horses and harness, milch cows, wagons, implements, etc., as are actually needed and can be used advantageously in the maintenance of the institution.

SEC. 14. All expenditures made for the penitentiary on construction account, for the maintenance of prisoners, for the purchase of machinery, engines, supplies, etc., and every outlay whatever, shall be under the direction of the board of commissioners, and be made in the manner provided in section seven (7) of this act.

SEC. 15. The commissioners shall not contract for nor begin the erection of any buildings or other improvements which cannot be fully completed within the amount of the appropriation herein named, and no portion of any sum herein appropriated shall be diverted from the specific purpose for which it is appropriated.

SEC. 16. The commissioners are hereby authorized to expend so much of the amount of twenty-five thousand (\$25,000) dollars hereby appropriated as may be necessary for engines, tools, machinery, fixtures and raw material as may be necessary to keep employed the prisoners in the penitentiary and to provide for the sale of goods therein manufactured, and they shall employ said prisoners at such occupation or occupations

as are best adapted to secure their health, discipline and reformation.

SEC. 17. No commissioner shall, as such, directly or indirectly, receive any pay or emolument for his services, except as provided in section twelve (12) of this act, and in no event shall the expenditures for buildings exceed the sums herein appropriated for the same.

SEC. 18. This act shall take effect and be in force from and after passage and approval.

Approved February 1, 1888.

PENITENTIARY—GOVERNMENT OF

CHAPTER XCI.

AN ACT

TO GOVERN THE OFFICERS OF THE TERRITORIAL PENITENTIARY
TO PROVIDE FOR THEIR COMPENSATION.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. The governor of the Territory of Washington shall visit the penitentiary at least once a year, and as much oftener as he shall deem necessary, and shall be allowed all actual and necessary traveling expenses incurred by reason of his said visits, and he shall certify the same to the Territorial auditor.

SEC. 2. The board of penitentiary commissioners, duly appointed and qualified according to law, shall have power to appoint, by and with the consent of the governor, a physician of the penitentiary, warden, assistant warden, clerk, and all overseers and guards; the said board of commissioners shall have power to remove at pleasure all such physicians, wardens, assistant wardens, overseers, guards and clerks.

SEC. 3. The annual salaries of the board of penitentiary commissioners, physician, warden, assistant warden, clerk, and of all overseers and guards shall be as follows: Each commissioner, three dollars per day during the time of the session of the board of commissioners, and his actual and necessary traveling

expenses in attending the meetings of said board; physician, two hundred dollars (\$200); warden, twelve hundred dollars (\$1200); assistant warden, ten hundred dollars (\$1000); clerk, nine hundred dollars (\$900); overseers, each eight hundred dollars (\$800); and guards, each six hundred dollars (\$600); said salaries to be paid quarterly.

SEC. 4. The Territorial auditor shall not issue any warrant upon the treasurer in favor of any warden, assistant warden, or other employe, except upon the certificate of the president and secretary of the board of penitentiary commissioners that the same is due.

SEC. 5. The board of penitentiary commissioners shall make a report quarterly to the Territorial auditor, containing a statement of all liabilities incurred by them as such board; also the amount of labor performed by the prisoners, for whom, and the value thereof, the amount of money collected, and the persons for whom collected, which money shall be paid into the Treasury of the Territory within fifteen (15) days after the end of each fiscal quarter; he shall also on the fifteenth day of October, 1888, and on the same day of every succeeding year thereafter, make a report to the governor containing a full statement of the condition of the institution, and of the expenditures or liabilities and earnings.

SEC. 6. The board of penitentiary commissioners shall have power to sue for and recover in the name of the Territory, any sum or sums of money owing to the Territory for labor performed, or by reason of any contract or agreement lawfully made by them or their predecessors in office.

SEC. 7. Said board shall have authority to offer rewards not to exceed two hundred dollars (\$200) in any one case, and to pay expenses for the apprehension, safe keeping and return of all escaped convicts.

SEC. 8. It shall be the duty of the warden to receive from the sheriff of the different counties in this Territory, all persons who now are, or hereafter may be, sentenced to the penitentiary, give receipts therefor and keep all convicts safely, according to law, and such rules and regulations as may be prescribed by the board of penitentiary commissioners.

SEC. 9. The warden of the penitentiary shall note the conduct, obedience and industry of each and every convict in his charge, and at the end of each week he shall report the same to the board of penitentiary commissioners. Said warden shall also make such further reports to said board as may be required by the rules and regulations of said penitentiary.

SEC. 10. It shall be the duty of the assistant warden to aid and assist the warden in the discharge of his duties under the

last preceding section, and he shall also perform such other duties as may be prescribed for him by the board of penitentiary commissioners.

SEC. 11. The warden, before entering upon the duties of his office, shall enter into a bond, signed by two or more sureties, in the sum of ten thousand dollars (\$10,000), conditioned that he shall faithfully discharge his duties as such officer, which bond shall be approved by the governor and filed in the office of the secretary of the Territory.

SEC. 12. The physician, warden, assistant warden, clerk, overseers and guards shall, before entering upon their duties, take and subscribe an oath that they will support the constitution of the United States, the organic act and the laws of the Territory of Washington, and faithfully and honestly discharge their duties as such officers.

SEC. 13. No commissioner, warden or assistant warden shall receive the labor of any prisoner for his individual profit or use, or be interested directly or indirectly in any contract upon which such labor shall be employed or used.

SEC. 14. The board of penitentiary commissioners shall have the general superintendence of the penitentiary and of its inmates; they shall make all purchases of supplies, of whatever kind or nature, needed for the penitentiary or prisoners; they shall have power to employ all or any number of the prisoners, in accordance with the rules which they may, from time to time, prescribe; *provided*, that all rules for the government of said penitentiary shall be approved by the governor.

SEC. 15. All accounts for supplies for the penitentiary or prisoners shall specify the items, and be certified to by the president and secretary of the board of penitentiary commissioners, and presented to the Territorial auditor, who shall audit the same and issue warrants on the treasurer for the payment of said claims, or so much thereof as he may deem just, and no money shall be paid for any purpose on account of said penitentiary except upon said warrants.

SEC. 16. When the physician, board of penitentiary commissioners and warden of the penitentiary, after an examination, are of the opinion that any prisoner is insane, they shall certify the fact, under oath, to the governor, who may, in his discretion, order the removal of such prisoner to the insane asylum. As soon as the authorities of the asylum ascertain that such prisoner is not insane, they shall immediately notify the warden of that fact, and thereupon the warden shall cause such prisoner to be at once returned to the penitentiary, if his term of imprisonment has not expired.

SEC. 17. The warden of the penitentiary shall require of every able-bodied convict confined in said penitentiary as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the penitentiary.

SEC. 18. The moneys in the Territorial penitentiary fund, and that may be hereafter placed therein, are applicable to the payment of the expenses of the penitentiary and salaries of the officers and employes thereof, and the expenses of the governor, as mentioned in section 1 of this act. The expenses and salaries shall be audited by the Territorial auditor, who shall draw his warrant on the Territorial treasurer for the same, or so much thereof as he may find correct, and the Territorial treasurer shall pay said warrants out of such fund.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved February 2, 1888.

PILOTS AND PILOT COMMISSIONERS —COLUMBIA RIVER.

CHAPTER XCII.

AN ACT

TO AMEND SECTIONS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 AND 14 OF AN ACT ENTITLED "AN ACT CREATING A BOARD OF PILOT COMMISSIONERS AND PILOTS ON THE COLUMBIA RIVER AND BAR," APPROVED NOVEMBER 29, 1871, AND TO AMEND SECTIONS 1 AND 2 OF AN ACT ENTITLED "AN ACT TO AMEND AN ACT CREATING A BOARD OF PILOT COMMISSIONERS AND PILOTS ON THE COLUMBIA RIVER AND BAR, APPROVED NOVEMBER 29, 1871," APPROVED NOVEMBER 9, 1877.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. It shall be the duty of the governor to appoint three suitable persons, who shall constitute a board of pilot commissioners, for the purpose of examining candidates for the pilotage of the Columbia river and bar, and the said board of

commissioners shall, on application, appoint one or more suitable persons, if the [they] deem it necessary, to be pilots on the Columbia river and bar, giving each of such pilots a branch or warrant for the execution of his office, with an authority to appoint deputies in the cases to be specified in such branch or warrant; *provided*, each pilot shall report his said deputies for the approbation of said board of commissioners; *provided*, that whenever there shall be a vacancy in said board of commissioners, such vacancy shall be filled by appointment, made by the governor. Said commissioners, before entering upon the duties of their office, shall qualify by oath or affirmation for the faithful discharge of their duties, and shall be entitled to hold said office of commissioner for the term of two years from the date of their appointment, and after said board of commissioners shall have organized, they shall forthwith notify the governor thereof, and they shall make a report of their proceedings to the governor at least once in every year thereafter.

SEC. 2. Every such branch pilot is authorized and directed, by himself or his deputies, to take charge of any vessel requiring his services, bound into or out of the Columbia river, but shall first show the master of such vessel his warrant, but no vessel licensed or engaged exclusively in the coasting trade between any port in Washington Territory and any port on the Pacific coast shall be compelled to pay pilotage unless the services of a pilot are required, and in all cases where the services of a pilot are required by the master of any vessel, said vessel shall be liable to pay the pilot his fees as specified in this act.

SEC. 3. The fee for piloting a ship or vessel from the open sea beyond the bar to Astoria or Knappton shall be eight dollars per foot draft for the first twelve feet, and for piloting a ship or vessel from Astoria or Knappton to the open sea beyond the bar, eight dollars per foot draft for the first twelve feet, and ten dollars per foot draft for the excess above twelve feet. If a pilot shall board a ship or vessel bound in, while she is either on or within the bar and not above Sand Island, he shall be entitled to only half fees from thence to Astoria; and if at the time of boarding she shall be above Sand Island, he shall be entitled to quarter fees only; but no ship or vessel bound in shall be required to pay pilotage which refuses to take a pilot after arriving on the bar. The fees of pilots on the river above Astoria shall be fixed from time to time by the pilot commissioners.

SEC. 4. Every bar pilot to whom a branch or warrant shall be granted by said board, shall, before entering upon the duties of his or their office, give bonds with sufficient surety to the said board of pilot commissioners in the sum of five thousand dollars, and every river pilot to whom a branch or warrant shall be granted

by said board, shall, before entering upon the duties of his or their office, give bonds with sufficient security to the said board of pilot commissioners in the sum of three thousand dollars for the faithful performance of his or their duties while in office.

SEC. 5. It shall be the duty of the board of pilot commissioners to make semi-annual visits to the bar of the Columbia river, examine into the conduct of the pilots, and the condition of the boats employed on said bar as is hereafter specified.

SEC. 6. The bar pilots appointed under the provisions of this act must keep a good seaworthy boat or boats of not less than sixty-five tons burden, and shall at all times cruise outside the bar of the Columbia river, unless prevented by tempestuous weather, and if any such pilot or pilots fail to comply with any of the provisions of this section, it shall be good cause for suspension or removal; *provided*, that this section shall not affect any claim of salvage arising out of the services involving extraordinary damages or risk.

SEC. 7. No person shall be licensed as a pilot by said board unless he is an American citizen of the age of twenty-one years, of temperate habits, and good moral character; nor unless he possesses the requisite skill and experience as a navigator and pilot, together with practical knowledge of the currents, tides, soundings and bearings, and the distances of the several shoals, rocks, bars, points of land, lights and fog signals, of or pertaining to the navigation of the pilot ground, nor unless it satisfactorily appears that the applicant is provided with, or is attached to a pilot boat of such character and conditions as the board has prescribed for that service. No bar pilot license shall be issued to the owner or owners of any steam tug-boat, or any person or persons in the employ of any such tug-boats or the owners thereof, or any other person, firm or corporation; and it shall be unlawful for any bar pilot to be employed or interested in any such tug-boat in the capacity of a bar pilot, and any bar pilot violating this provision shall forfeit his license.

SEC. 8. The said pilots' boat or boats shall at all times carry a sufficient supply of provisions and water as may be necessary for the relief of vessels in distress, and it shall be the duty of the pilots at all times to offer such aid to vessels in stress of weather or in case of disaster.

SEC. 9. If a vessel while under the charge of a branch or warrant pilot shall be lost or run aground, or sustain any damage through the negligence or unskillfulness of such pilot, such pilot shall be liable to pay all damages sustained by any person interested in such vessel or her cargo, and may, moreover, be removed from his office.

SEC. 10. Any master of a vessel who may choose to

pilot his own vessel from outside of the Columbia river bar into said river shall be permitted to do so, but he shall, notwithstanding, when bound into the river, pay to such pilot as shall first offer his services off the bar one-half pilotage, according to the fees specified in said warrant; and if bound out, one-half pilotage; *provided*, that in the following cases a vessel is exempt from compulsory pilotage, and is not required to pay a pilot, unless one is actually employed: 1st, a vessel engaged in the whaling or fishing trade; 2d, a vessel licensed and engaged in the coaling [coasting] trade between any port in Washington and any port on the Pacific coast.

SEC. 11. The said board of commissioners are authorized to hear and determine all complaints exhibited against the pilots appointed by them as aforesaid, and to suspend or remove them and appoint others in their place.

SEC. 12. Should any shipmaster omit or refuse to pay the pilotage fees in any instance when by this act he has become liable, then his consignees shall become liable for the same.

SEC. 13. That if a pilot, acting under the provisions of this act, shall have boarded any vessel outward bound, and shall be detained on board said vessel and carried to sea, or to any foreign port, the officers of said vessel so detaining said pilot shall be liable to pay the pilot so detained a compensation equal to the pay of the highest officer on board of said vessel for all the time he shall be necessarily detained from his proper port.

SEC. 14. The board of commissioners created by this act shall be entitled to receive, for the execution of a branch or warrant, the sum of twenty dollars, to be paid by the person applying for the branch or warrant; also, five dollars per day for adjusting difficulties that may arise between such pilots and shipmasters or owners, the said fees to be paid by the parties in fault; and for every [day] the said board of commissioners are in actual session, except when engaged in adjusting or settling disputes between pilots and shipmasters or owners, they shall be entitled to receive the sum of five dollars per day, and mileage at the rate of two dollars for every twenty miles traveled in coming to and going from the place where the sessions of said board are held; *provided*, however, that they shall not receive pay for more than three days' time at any one session; and all money received for the execution of any branch warrant or warrants shall constitute a fund to defray the incidental expenses of the said board of pilot com-

missioners, and the secretary of said board shall, at the end of each regular session, make a written statement of the number of days and the amount of mileage for which each commissioner is entitled to receive pay, which statement shall be signed by the secretary and chairman of the said board of commissioners, and the Territorial auditor, if he shall find said statement correct as herein provided, shall draw a warrant on the Territorial treasurer for the amount which each commissioner is entitled to receive pay, and the Territorial treasurer is hereby authorized to pay the same out of any money not otherwise appropriated.

SEC. 15. That all forfeitures, liabilities and penalties incurred under this act shall be tried and determined in any court of record having cognizance of the same.

SEC. 16. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 17. This act shall take effect from and after its passage and approval.

Approved February 2, 1888.

PILOTS AND PILOT REGULATIONS— PUGET SOUND.

CHAPTER XCIII.

AN ACT

TO ESTABLISH PILOTS AND PILOT REGULATIONS FOR THE STRAITS OF JUAN DE FUCA, PUGET SOUND, AND ALL AMERICAN WATERS PERTAINING THERETO.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That it shall be the duty of the governor to appoint three competent persons skilled in navigation, by and with the advice and consent of the council, residents of Puget Sound ports, a majority of whom have been masters of vessels sailing in and out of Puget Sound, who shall constitute a board of pilot commissioners for the different ports on the straits of Fuca, Puget Sound and their branches.

SEC. 2. That the persons so appointed shall take an oath

for the faithful discharge of their duties, and shall hold their office during the pleasure of the governor.

SEC. 3. That the commissioners shall meet in Port Townsend at least once in three months, a majority shall constitute a quorum for the transaction of business, and said commissioners shall hold their first regular meeting on the first Monday in April, 1888, and the chairman may call special meeting whenever necessary; but no special meeting shall be called for the purpose of granting licenses or examining pilots touching their qualifications without the consent of all the commissioners, and then only by giving at least two weeks public notice.

SEC. 4. That the commissioners shall make by-laws for their own government, and for the direction and government of the pilots not inconsistent with the provisions of the laws of this Territory or the United States, and shall provide themselves with an official seal which [shall] be impressed on every document in writing issued by order of the board.

SEC. 5. That the commissioners shall appoint a secretary, whose duty it shall be to keep correct minutes of all the proceedings of the commissioners, in books to be provided by them for that purpose; to receive all moneys and pay out the same when ordered to do so by the board, and shall register the names of all pilots, with the date of their licenses and places of residence; the books and register to be always open to inspection.

SEC. 6. That neither the commissioners nor the secretary shall have any interest direct or otherwise, in any pilot boat or vessel, or the earnings thereof.

SEC. 7. That the commissioners shall have power to appoint, in the manner provided in this act, such number of pilots for said ports as they may deem necessary.

SEC. 8. That persons applying for licenses to act as pilots, shall be American citizens and legal voters of this Territory, not under twenty-one years of age, and shall be rigidly examined by the commissioners in public, touching their qualifications and knowledge of the management of every description of sailing vessels, of the tides, currents, soundings, bearings and distances of the different shoals, rocks, bars and points of land and lights of the harbors and bays, and if deemed qualified, shall receive a license as pilots, which license shall continue during good behavior.

SEC. 9. That every licensed pilot previous to entering on his duties, shall give bonds to the amount of two thousand dollars, payable to the Territory of Washington, for the faithful discharge of his duty, which bond shall be approved by the commissioners and filed in their office.

SEC. 10. That the commissioners shall have power to suspend pilots for misconduct or inattention to their duty, and on proof, shall revoke their licenses; *provided* due notice shall be given the pilot and an opportunity be given him to be heard in his defense.

SEC. 11. That every pilot on boarding a vessel shall, at the request of the master, exhibit his license, and on refusal so to do shall be liable to a penalty of fifty dollars.

SEC. 12. That every pilot who shall absent himself from duty for more than two months, except on leave granted by the commissioners, or by sickness, shall be considered as having forfeited his license.

SEC. 13. That if any licensed pilot shall be intoxicated while having charge of any vessel as pilot, he shall be suspended or dismissed, as the commissioners shall elect.

SEC. 14. That the commissioners may require pilots to amend their bonds and securities whenever they may deem it necessary.

SEC. 15. That for carelessly or negligently losing a vessel, on conviction thereof the pilot having charge of the vessel at the time shall be incapable of ever acting as pilot, and shall, moreover, be liable for damages on his bond.

SEC. 16. That it shall be the duty of every pilot in charge of a vessel arriving at any of the ports of Puget Sound or its branches, to have the vessel safely moored or anchored in such position as the master of the vessel may direct, when his responsibility shall cease.

SEC. 17. That when complaint is lodged with the commissioners against a pilot for misbehavior or neglect of duty, it shall be reduced to writing and sworn to; notice thereof must be given to the pilot, and he shall be notified to appear within twenty days to answer the complaint. If the answer be not satisfactory, he may be fined not exceeding five hundred dollars, or deprived of his license at the direction [discretion] of the commissioners.

SEC. 18. That no person except those licensed by the commissioners shall pilot vessels in and out of the bays or harbors on Puget Sound, Juan de Fuca Strait, or to or from the Pacific Ocean through said strait for hire, under the penalty of \$300 for each and every offense. This penalty is not incurred where a master of a vessel acts as his own pilot; *provided*, that the master or owner of any vessel shall not be compelled to take a pilot under the provisions of this act.

SEC. 19. That the commissioners may make all needful

rules and regulations for the government of the pilots, and establish penalties for the breach thereof.

SEC. 20. That pilots taken to sea against their wills, when a boat is in attendance to receive them, shall be entitled to receive five dollars per day while absent, which sum shall be paid by the master or owner of the vessel by which the pilot was taken away.

SEC. 21. That if any pilot offers himself to any vessel, requiring his services as pilot, outside of a line drawn from the west end of Waadda Island to Observatory Point on the east side of Port San Juan, British Columbia, if inward bound he shall have the preference, if a pilot's services are required by the vessel when bound to sea, or a pilot from the same pilot boat.

SEC. 22. That every pilot shall, once in three months, render to the pilot commissioners an account of moneys received by him, or any other persons for him, on his account, and shall pay five per centum on the amount thereof, which, with the fee of five dollars for the license, as per section 25, shall be taken in full for their official services and all expenses of their officers, and if any pilot shall make a false return of moneys so received, he shall forfeit a sum not exceeding five hundred dollars.

SEC. 23. That the hull and appurtenances of all vessels shall be held liable for pilot dues.

SEC. 24. That the pilots shall at all times keep a boat in good condition cruising on the Strait of Fuca or at sea. The number of pilots to be on any one boat, to be determined by the commissioners.

SEC. 25. That all pilots who may be appointed, shall conform to and be governed by the provisions of this act and the quarantine laws of this Territory, and shall pay to the pilot commissioners, when their licenses are issued, the sum of five dollars for each and every pilot license so issued.

SEC. 26. The board of pilot commissioners shall fix the rates of pilotage between the open sea and ports on Puget Sound. But such rates shall not exceed eight dollars per foot draught to vessels who engage pilots outside Waadda Island to port of entry or other ports on Puget Sound. To vessels from British Columbia to port of entry or other ports on Puget Sound, not to exceed six dollars per foot draught. To vessels from Port Townsend to any of the ports on Puget Sound, not to exceed four dollars per foot draught; *provided*, that nothing in this act shall be construed as requiring half pilotage to

be paid when services are not actually performed; *and provided further*, that every pilot bringing a vessel from sea shall take her to her port of destination if required, when that port is above the port of entry, without additional charges. But after twenty-four hours delay at the port of entry, the pilot shall be entitled to additional pay of five dollars per day for every day so delayed.

SEC. 27. That it shall be the special duty of the pilot commissioners, upon complaint being made to them of any violation of the provisions of this act, to notify the prosecuting attorney of the third judicial district of the Territory, whose duty it shall be forthwith to file an information, and prosecute such violation of this act; and any person piloting a vessel in any of the waters aforementioned without a valid license shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned not to exceed six months, and shall further forfeit and pay to the regular licensed pilots all the fees and emoluments received by such person for any such service, to be recorded [recovered] in a civil action in the name of all such duly licensed pilots in any court of competent jurisdiction, said fine to be paid to the commissioned [commissioners] and distributed *pro rata* among the regular pilots.

SEC. 28. That any person whose license shall be revoked or shall have expired, or become void by operation of law, shall, within thirty days thereafter, surrender and deliver the said license to the secretary of the pilot commissioners, and any person violating the provisions of this section, or any part thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed three hundred dollars, to be recovered in a civil action by the Territory of Washington, or imprisoned not to exceed one month, or both.

SEC. 29. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act to take effect and be in force from and after April 1st, 1888.

Approved February 2, 1888.

PRINTING—RATES FOR, ETC.

CHAPTER XCIV.

AN ACT

FIXING THE RATE TO BE PAID FOR PUBLIC PRINTING, AND PROVIDING FOR AUDITING THE ACCOUNTS FOR THE SAME.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the compensation for incidental printing for the legislative assembly shall be as follows: For composition for all reports and pamphlets, not to exceed sixty (60) cents per thousand ems, printer's measurement, and not to exceed thirty (30) cents per token of two hundred and fifty impressions per form for presswork; for paper, not to exceed fifteen (15) cents per pound; for paper binding, actual cost; for composition of all resolutions and memorials, not to exceed sixty (60) cent per thousand ems; for presswork, not to exceed thirty (30) cents per token of two hundred and fifty impressions, each form, and for paper not to exceed twenty-five cents per pound; for composition for bills (in excess of twelve hundred dollars), not to exceed thirty (30) cents per thousand ems, and not to exceed thirty (30) cents per token of two hundred and fifty impressions, each form; for paper, actual cost; for folding, binding, pasting and stitching, one dollar per hundred copies.

SEC. 2. That John M. Murphy, Thos. G. Nicklin and Thomas M. Reed, Territorial auditor, who shall be duly sworn, be and they are hereby appointed and constituted a board to audit the accounts of Thos. H. Cavanaugh, for printing reports, pamphlets, resolutions, memorials and bills in the first section provided.

SEC. 3. The Territorial auditor shall draw his warrants upon the Territorial treasurer in favor of Thos. H. Cavanaugh for incidental printing, as audited by said board, which amounts shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 4. That John M. Murphy and Thos. G. Nicklin be and the same are hereby allowed the sum of five (5) dollars

each for their services upon said board, which amounts are to [be] audited and paid in same manner that other accounts against the Territory are paid.

SEC. 5. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage and approval.

Approved February 1, 1888.

PRINTING—INDEX, CODE AND SESSION LAWS.

CHAPTER XCV.

AN ACT

TO PROVIDE FOR AND AUTHORIZE THE PRINTING, BINDING AND DISTRIBUTION OF THE INDEX TO THE CODE AND SESSION LAWS MADE AND PREPARED UNDER THE PROVISIONS OF LAW, APPROVED FEBRUARY 4TH, 1886.

Be it enacted by the Legislature of Washington Territory:

SECTION 1. That the index to the code and session laws of Washington Territory, prepared under the provisions of an act approved February 4th, 1886, shall be printed under the direction and supervision of the secretary of the Territory, in the same style and character, and arrangement of matter as the index to the laws of Wisconsin of 1887, or as near as practicable thereto.

SEC. 2. The compensation for composition, presswork, paper, and binding, shall not exceed that fixed by the treasury department for work of like character, in printing and binding the laws and journals of the legislature.

SEC. 3. There shall be printed and bound in same style and manner as the session laws of the Territory, one thousand copies of the index. Said index when completed and delivered shall be distributed as by law it is provided the session laws shall be distributed.

SEC. 4. Upon the delivery of said index, printed and bound, in a good and workmanlike manner, which delivery

shall be within ninety days after the date of the contract and delivery of the complete copy, it shall be the duty of the Territorial auditor to ascertain the sums due to the person or persons for printing and binding the same. When the sums due are ascertained, it shall be the duty of the auditor to draw his warrant or warrants for the sums so ascertained to be due, upon the Territorial treasurer, who shall pay the same out of any moneys in the treasury not otherwise appropriated.

SEC. 5. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

PRINTING—GOVERNOR'S MESSAGE.

CHAPTER XCVI.

AN ACT

TO PROVIDE FOR THE PRINTING AND DISTRIBUTION OF THE GOVERNOR'S MESSAGE AND REPORT.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of one thousand dollars (\$1000) or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, for the purpose of printing twelve thousand (12,000) copies of the message and report of the governor of this Territory for the year 1887.

SEC. 2. The governor of this Territory is hereby authorized to contract for the printing of twelve thousand (12,000) copies of said message and report in pamphlet form, (the work to be done in a neat and workmanlike manner, on book paper of good quality), which contract shall be let to the lowest responsible bidder, after having first given notice by publication in one or more newspapers published in the Territory for three (3) successive weeks, inviting sealed proposals for such printing.

SEC. 3. Whenever the person or persons or firm so contracting to do said printing shall have printed twelve thousand (12,000) copies of said message and report, in accordance with the accepted bid or contract price agreed upon, and shall have

delivered the same to the Territorial auditor, the Territorial auditor shall draw his warrant on the Territorial treasurer for the amount of the agreed contract price of such printing, which amount shall not exceed the sum herein appropriated for the same.

SEC. 4. The Territorial auditor shall distribute said pamphlets as follows: one thousand copies shall be given to the governor; one hundred copies shall be given to each member of the present legislative assembly; two thousand copies shall be given to the chambers of commerce or boards of trade now organized or existing within this Territory, each to receive an equal number; one hundred copies shall be placed in the custody of the Territorial librarian, to be preserved for future reference; five copies shall be given to each organized school district within this Territory, and the remaining copies shall be for general distribution among the people of the Territory by the Territorial auditor.

SEC. 5. The governor shall, within ten days from and after the passage of this act, publish for two consecutive weeks in one newspaper in each judicial district in the Territory a notice to printers, calling for bids for the printing of the governor's report for 1887; said bids to state the price per thousand ems for composition, the price per token of 250 impressions of eight pages, presswork, the weight, quality and price of paper, and the price of binding said report. On the day named in said advertisement, the governor shall proceed to open all bids by him received, and the contract shall be awarded to the lowest responsible bid or bidders in the Territory, and the person or firm to whom the contract is awarded, before commencing the work, shall be required to give a good and sufficient bond to the Territory in the sum of one thousand dollars, to be approved by the governor, conditioned for the faithful and prompt execution of the work in a good and workmanlike manner.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 2, 1888.

PRIVATE SEALS—USE OF ABOLISHED

CHAPTER XCVII.

AN ACT

TO ABOLISH THE USE OF PRIVATE SEALS AND TO LEGALIZE INSTRUMENTS HERETOFORE EXECUTED WITHOUT SUCH SEALS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. The use of private seals upon all deeds, mortgages, leases, bonds and other instruments, and contracts in writing, is hereby abolished, and the addition of a private seal to any such instrument or contract in writing hereafter made shall not effect its validity or legality in any respect.

SEC. 2. All deeds, mortgages or other instruments in writing for the conveyance or encumbrance of real estate, or any interest therein, which have heretofore been executed without the use of a private seal, are, notwithstanding, hereby declared to be legal and valid in all courts of law or equity in this Territory.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

PROBATE JUDGES—SALARIES.

CHAPTER XCVIII.

AN ACT

IN RELATION TO THE SALARIES AND FEES OF THE PROBATE JUDGES OF WASHINGTON TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the probate judges of this Territory shall receive no fees for their services in the administration of any

estate of less value than five hundred dollars, where the decedent died intestate, leaving a widow, widower or minor child or children, or when the property is devised to such by such decedent.

SEC. 2. In addition to the fees allowed by law, the probate judges of this Territory shall receive annual salaries as follows: In counties having a population of not over five hundred, fifty dollars; in all other counties, one hundred dollars for the first fifteen hundred of population, or fraction thereof, and one hundred for each additional thousand, or fraction thereof; *provided*, that in no case shall such salary exceed the sum of one thousand dollars for any one year.

SEC. 3. The salaries of the probate judges shall be paid quarterly, by warrant on their respective counties, drawn on the first business day of the months of January, April, July, and October.

SEC. 4. This act shall take effect and be in force from and after its approval by the governor.

Approved February 2, 1888.

PROBATE PRACTICE—SALES OF REAL ESTATE.

CHAPTER XCIX.

AN ACT

TO AMEND CHAPTER CV OF THE CODE OF WASHINGTON TERRITORY,
ENTITLED "SALES OF PROPERTY BY EXECUTORS AND ADMINIS-
TRATORS."

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That there be and is hereby added to Chapter CV of the Code of Washington Territory a new section, to be designated section 1523½: Section 1523½. If it shall be made to appear to the satisfaction of the probate court that it will be to the interest of the estate of any deceased person to sell other real or personal estate of the decedent than that mortgaged by him, to redeem the real estate so mortgaged; the probate court may order any real or personal

estate of the decedent, which it may deem expedient to be sold for such purpose, which sale shall be conducted in all respects as other sales of like property ordered by the probate court.

Approved February 2, 1888.

PROBATE COURT—INVENTORY OF DECEASED PERSONS.

CHAPTER C.

AN ACT

TO AMEND SECTIONS 1446 AND 1459 OF CHAPTER CII OF THE
CODE OF WASHINGTON TERRITORY, RELATING TO THE
INVENTORY AND EFFECTS OF DECEASED PERSONS.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That section 1446 of the code of Washington Territory be and the same is hereby amended so as to read: Section 1446. The estates and effects comprised in the inventory shall be appraised by three suitable disinterested persons, who shall be appointed by the probate court. If any part of the estate shall be in another county than that in which letters are issued, appraisers residing in such county may be appointed by the probate court having jurisdiction of the case, or if most advisable the same appraisers may act. Such appraisers shall receive as compensation for their services three dollars per day, to be paid out of the estate, and when they have to go out of their county, mileage shall be allowed; *provided*, that where it appears to the satisfaction of the court, from the return of the inventory or other proof, that the whole estate consists of personal property of less value than one hundred dollars, exclusive of moneys, drafts, checks, bonds or other securities of fixed valuation, an appraisement may be dispensed with, in the discretion of the court.

SEC. 2. That section 1459 be and the same is hereby amended to read as follows: Section 1459. If, by the return

of any inventory of any intestate's estates who died leaving a widow or minor children, it shall appear that the value of the estate does not exceed one thousand dollars, the probate court shall, by decree for that purpose, assign for the use and support of the widow and minor children of the intestate, or for the support of the minor child or children, if there be no widow, the whole estate, after the payment of the funeral expenses and expenses of administration, and there shall be no further proceedings in the administration unless further estate be discovered.

SEC. 3. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 28, 1888.

PROBATE COURT—SALES PROPERTY.

CHAPTER CI.

AN ACT

TO AMEND SECTION 1504 OF CHAPTER 105 OF THE CODE OF WASHINGTON TERRITORY RELATING TO SALES OF PROPERTY BY EXECUTORS AND ADMINISTRATORS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 1504 of the code of Washington Territory be and the same is hereby amended to read as follows:

Section 1504. When a sale is ordered, notice of the time and place of sale shall be posted in three of the most public places in the county where the land is situated, at least twenty days before the day of sale, and shall be published in some newspaper of said county, if any there be, and if not, in some newspaper of this Territory in general circulation in said county, for three successive weeks next before such sale, in which notice the lands and tenements shall be described with proper certainty.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved January 27, 1888.

PROSECUTING ATTORNEYS— SALARIES.

CHAPTER CII.

AN ACT

TO AMEND SECTIONS THREE AND TWENTY OF AN ACT ENTITLED
“AN ACT IN RELATION TO PROSECUTING ATTORNEYS, DE-
FINING THEIR DUTIES AND FIXING THEIR COMPENSATION,”
APPROVED FEBRUARY 4TH, 1886.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That section 3, of an act entitled “an act in relation to prosecuting attorneys, defining their duties and fixing their compensation,” approved February 4th, 1886, be, and the same is hereby amended to read as follows: “Section 3. The prosecuting attorney for the district comprising the counties of Walla Walla and Franklin, shall receive an annual salary of \$1500. The prosecuting attorney for the district comprising the counties of Spokane and Stevens, shall receive an annual salary of \$1800. The prosecuting attorney for the district comprising the counties of Lincoln, Douglas and Adams, shall receive an annual salary of \$750. The prosecuting attorney for the district comprising the counties of Garfield and Asotin, shall receive an annual salary of \$1000. The prosecuting attorney for the district comprising the county of Whitman, shall receive an annual salary of \$1500. The prosecuting attorney for the district comprising the county of Columbia, shall receive an annual salary of \$1000. The prosecuting attorney for the district comprising the counties of Kittitas and Yakima, shall receive an annual salary of \$1500. The prosecuting attorney for the district comprising the counties of Clark, Klickitat and Skamania, shall receive an annual salary of \$1200. The prosecuting attorney for the district comprising the counties of Lewis, Cowlitz, Thurston and Mason, shall receive an annual salary of \$1600. The prosecuting attorney for the district comprising the counties of Wahkiakum, Chehalis and Pacific, shall receive an annual salary of \$750. The prosecu-

ting attorney for the district comprising the county of Pierce, shall receive an annual salary of \$1800. The prosecuting attorney for the district comprising the counties of King, Kitsap and Snohomish, shall receive an annual salary of \$2400. The prosecuting attorney for the district comprising the counties of Jefferson, Clallam, Island and San Juan, shall receive an annual salary of \$800. The prosecuting attorney for the district comprising the counties of Skagit and Whatcom, shall receive an annual salary of \$750. Said sums to be paid quarterly out of any funds in the Territorial treasury not otherwise appropriated upon presentation to the Territorial treasury of the proper warrant therefor, which warrant shall be paid in its regular numerical order."

SEC. 2. "That section 20 of said act be, and the same hereby is amended to read as follows: Section 20. No other or greater fee or salary than herein provided shall be allowed or paid to any prosecuting attorney in this Territory: *provided, however,* that when any prosecuting attorney shall be required to leave the place of his residence to attend to any official business, his actual expenses necessarily incurred while away from home attending to said business shall be paid by the county in which said business arises."

SEC. 3. That this act shall take effect and be in force from and after its passage and approval.

Approved February 1, 1888.

PROSECUTING ATTORNEY—NOT TO BE COUNSEL.

CHAPTER CIII.

AN ACT

TO AMEND SECTION 12 OF AN ACT ENTITLED AN ACT IN RELATION TO PROSECUTING ATTORNEYS, DEFINING THEIR DUTIES AND FIXING THEIR COMPENSATION, APPROVED FEBRUARY 4, 1886.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 12 of the said act be amended to read as follows: "Section 12. No prose-

cuting attorney shall receive any fee or reward from any person on behalf of any prosecution for any of his official services, except as provided in this act, nor shall he be engaged as attorney or counsel for a party in any civil action, [or for] a party to any criminal proceedings depending upon the same facts as such criminal proceedings.

SEC. 2. That all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

Public Policy—Offenses Against.

CHAPTER CIV.

AN ACT

TO AMEND SECTION 919 OF THE CODE OF WASHINGTON TERRITORY RELATING TO OFFENSES AGAINST PUBLIC POLICY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 919 of the code of Washington Territory relating to offenses against public policy be amended so as to read as follows:

Section 919. Every person who shall in any manner obstruct the navigable portion or channel of any bay, harbor, or river or stream, within or bordering upon this Territory, navigable and generally used for the navigation of vessels, boats, or other water crafts, or for the floating down of logs, cord wood, fencing posts or rails, shall, on conviction thereof, be fined in any sum not exceeding three hundred dollars; *provided*, that the placing of any mill dam or boom across a stream used for floating saw logs, cord wood, fencing posts or rails shall not be construed to be an obstruction to the navigation of such stream, if the same shall be so constructed as to allow the passage of boats, saw logs, cord wood, fencing posts or rails without unreasonable delay.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved January 17, 1888.

Railroads--Gross Earnings Law Repealed.

CHAPTER CV.

AN ACT

TO REPEAL AN ACT ENTITLED, "AN ACT TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES UPON THE PROPERTY OF RAILROAD COMPANIES IN THIS TERRITORY."

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That an act entitled, "An act to provide for the levy and collection of taxes upon the property of railroad companies in this Territory," approved November twenty-eighth, eighteen hundred and eighty-three, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after the first day of March, eighteen hundred and eighty-eight; *provided*, however, that this act shall in nowise affect the levy and collection of taxes upon the property of said railroad companies in this Territory for the year eighteen hundred and eighty-seven.

Approved January 18, 1888.

Revenue Collection—Delinquent Taxes.

CHAPTER CVI.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND SECTIONS 2829, 2830, 2831, 2848, 2861, 2869, 2872, 2873, 2877, 2880, 2881, 2894, 2901, 2902, 2915, 2916, 2941, 2945, 2947, 2948, 2958, 2962, OF THE CODE OF WASHINGTON TERRITORY, RELATING TO THE REVENUE," APPROVED FEBRUARY 4, 1886.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION. 1. That section 2902 of the code of Washington Territory relating to the revenue as amended and approved February 4, 1886, be so amended as to read as follows: Section 2902. On the first Tuesday of March in each year the treasurer of each county must attend at the office of the county auditor with the duplicate assessment roll, and every item marked paid, which has in fact been paid on such duplicate assessment roll, must be marked paid on the original assessment roll, with the date of payment of each and every item marked "error"; each double assessment in the duplicate must be marked the same in the original. The sheriff shall be ex-officio tax collector of the delinquent tax of his county from and after the first day of March in each and every year, and it shall be the duty of the county auditor, after he has made his comparison with the treasurer as in this section provided, to make out a schedule of unpaid taxes, in the form of a triplicate assessment roll, with a ten per cent. penalty added to the amount of such unpaid taxes, and shall deliver the same to the sheriff, with his warrant attached thereto, in the name of the United States, under his hand and the seal of the board of county commissioners, commanding such sheriff to collect the taxes as charged in such schedule, as in this act provided; and the auditor shall charge the sheriff with such taxes in the schedule stated in a delinquent tax account book, to be kept for that purpose, and shall credit the treasurer on his account with the same amount.

The sheriff shall, from time to time, and as often as once each month, pay over to the county treasurer the moneys collected by him, and the treasurer shall execute to him duplicate receipts for the same so paid, one of which said sheriff shall file with the auditor. On making such payments to the treasurer the sheriff may deduct the ten per centum penalty as his fees for such collecting; and the sheriff shall report to the auditor, on the first Monday of each month, the sums so collected by him, which will be properly entered by the auditors of the several counties; *provided*, that at the November term in each year of the board of county commissioners the sheriff shall make return of said schedule of unpaid taxes to the auditor, and shall then make final settlements with said board of commissioners touching such schedule of unpaid taxes, and all other delinquent taxes, and the sheriff shall be credited with the allowance of such unpaid taxes remaining uncollected, and such other credits as the said board may order; and *provided further*, that at said November term of said board of county commissioners said schedule of delinquent taxes shall be compared with the books of the auditor and treasurer, and all taxes marked "paid" on the sheriff's schedule shall be marked "paid" on the duplicate assessment roll of the treasurer; *provided further*, that after said November settlement said assessment roll shall be returned to said sheriff, to which shall be added the penalty and interest in the manner hereinbefore prescribed in this section, and it shall be the duty of said sheriff to immediately proceed to collect such delinquent taxes together with the penalty and interest, and make return thereof as hereinbefore provided in this act.

SEC. 2. That all acts and parts of acts in conflict herewith be and the same are hereby repealed.

SEC. 3. This act to take effect from and after its passage.
Approved February 2, 1888.

Revenue—Credits Deducted, when.

CHAPTER CVII.

AN ACT

TO AMEND SECTION FIVE OF AN ACT ENTITLED AN ACT TO AMEND SECTION 2829, 2830, 2831, 2848, 2861, 2869, 2872, 2873, 2877, 2880, 2881, 2894, 2901, 2902, 2915, 2916, 2941, 2945, 2947, 2948, 2958, AND 2962, OF THE CODE OF WASHINGTON RELATING TO THE REVENUE, APPROVED FEBRUARY 4, 1886.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section five of an act of which this act is amendatory, is hereby amended to read as follows:

Sec. 5. In making up the moneys and credits which any person is required to list, or having listed and assessed, he shall be entitled to deduct from the gross amount, all debts and all mortgage debts in good faith owing by him to any citizen or citizens of this Territory; the name and postal address of the person or persons holding the debt shall be given, but no acknowledgment of indebtedness not founded on actual consideration, and no such acknowledgment made for the purpose of being so deducted, shall be considered a debt, within the intent of this section, and so much only of any liability of such person as security for another shall be deducted, as the person making the list believes he is equitably or legally bound to pay, and so much only as he believes he will be compelled to pay on account of the inability of the principal debtor, and if there are other sureties able to contribute, then so much only as he in whose name the list is made, will be bound to contribute; but no person will be entitled to any deduction on account of any obligations of any kind, given to any insurance company for the premiums of insurance, nor on account of any unpaid subscription to any institution, society, corporation or company, and no person shall be entitled to any deduction on account of any indebtedness contracted for the purchase of United States bonds or other non-taxable property, and in

making up the amount of debts due him, the party making the list shall include all debts due from persons non-residents, as well as residents of the Territory.

SEC. 2. This act to take effect and be in force from and after its passage and approval by the governor.

Approved January 31, 1888.

Roads and Bridges—Appropriations for

CHAPTER CVIII.

AN ACT

RELATING TO APPROPRIATIONS FOR ROADS AND BRIDGES BY COUNTY COMMISSIONERS, AND TO REPEAL CHAPTER CCXXXV, ENTITLED, "APPROPRIATIONS FOR ROADS AND BRIDGES BY COUNTY COMMISSIONERS," OF THE CODE OF WASHINGTON.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. The county commissioners of the several counties may annually appropriate such sums of money from the general fund of the county for the purpose of laying out, opening or improving public county roads, and building and repairing bridges, as they may deem necessary; *provided*, that the same shall not exceed an amount equal to two-tenths of one per centum on the amount of taxable property of such county, as shown by the last preceding assessment.

SEC. 2. That chapter ccxxxv, entitled, "Appropriations for roads and bridges by county commissioners," of the code of Washington, be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

Roads—Location of.

CHAPTER CIX.

AN ACT

TO AMEND SECTION 2984, CHAPTER CCXXIX OF THE CODE OF WASHINGTON TERRITORY RELATING TO ROADS, FERRIES, BRIDGES AND TRAVEL ON PUBLIC HIGHWAYS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 2984, chapter 229, of this [the] code of Washington Territory relating to roads, ferries, bridges and travel on public highways be amended to read as follows:

Section 2984. Any person or persons, whose land shall be so situated that it has no connection with any county road, may make application in writing to the county commissioners of his county at a regular term, for a public road leading from his premises to some convenient county road, by first posting three notices fifteen days before said meeting in the district where said road is to be located, and thereupon the commissioners shall appoint three disinterested freeholders of the county as viewers, and cause an order to be issued directing them to meet on a day named, in such order, to view and locate a public road according to the application and notice, and to assess the damage to be sustained thereby, and after being duly sworn or affirmed, faithfully and impartially to perform the duties of their appointment, and after at least three day's notice given to all persons through whose land such public road is to be located, such viewers shall proceed to locate and mark out a public road thirty feet wide from some certain point on the premises of the applicant by a practicable route to some certain point on the county road, so as to do the least damage to the lands through which such public road is located, and they shall also, at the same time, assess damages sustained by the person or persons owning such land.

Approved February 2, 1888.

Roads—Lists to be Returned, when.

CHAPTER CX.

AN ACT

TO AMEND SECTION 2990 OF CHAPTER 229 OF THE CODE OF WASHINGTON TERRITORY, RELATING TO ROADS, FERRIES AND BRIDGES, AND TRAVEL ON PUBLIC HIGHWAYS, AS THE SAME IS AMENDED AND RE-ENACTED BY AN ACT OF THE LEGISLATIVE ASSEMBLY, APPROVED NOVEMBER 28, 1883.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 2990 of chapter CCXXIX of the code of Washington Territory, relating to roads, ferries and bridges, and travel on public highways, as the same is amended and re-enacted by an act of the legislative assembly, approved November 28, 1883, be amended so as to read: "Section 2990. It shall be the duty of every supervisor of roads to obtain the names, and make out in alphabetical order a list, of all persons liable to perform labor on the public roads within his road district, and file the same with the county auditor on or before the second Monday in February of each year, whose duty it shall be to affix to each name the amount of taxable property owned by each person residing or owning property therein, which list shall be returned to the road supervisors on or before the first day of March of each year."

SEC. 2. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

School Districts—Indebtedness of

CHAPTER CXI.

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE INDEBTEDNESS OF SCHOOL DISTRICTS IN CERTAIN CASES.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Wherever in this Territory, under and by virtue of a special law, the board of school directors of any school district have erected school-houses, and the said district is now indebted therefor, and no adequate provision in such law has been made for the payment of such indebtedness and the interest thereon, such board of school directors may, in their discretion, levy an annual tax upon the property in said district sufficient to pay one-tenth the principal of such indebtedness and all accrued [accrued] or accruing [accruing] interest thereon; *provided*, that this act shall in nowise be construed to abridge or amend the common school law of Washington Territory in regard to the levy and collection of general or special taxes.

SEC. 2. The taxes mentioned in the preceding section shall, in all respects, be levied and collected in the same manner as other school taxes, and the money raised thereby shall be placed in a special fund, to be called "Special School-house Fund," and shall be paid out upon warrant, under the order and direction of the school directors of such district.

SEC. 3. This act to take effect and be in force from and after its passage and approval.

Approved January 27, 1888.

Schools--County Superintendent.

CHAPTER CXII.

AN ACT

TO AMEND SECTIONS 19 AND 24 OF AN ACT ENTITLED "AN ACT TO AMEND THE COMMON SCHOOL LAW OF THE TERRITORY OF WASHINGTON," APPROVED FEBRUARY 4, A. D. 1886.

Be it enacted by the Legislative Assembly of Washington Territory:

SECTION 1. That section 19 of an act entitled an act to amend the common school law of the Territory of Washington, approved February 4, 1886, be and the same is amended to read as follows: Section 19. Each county superintendent shall have the power and it shall be his duty: First—To visit each school in his county not less than one nor more than three times in each year; *provided*, that he shall receive mileage in going to and returning from said school for one trip only. Second—To distribute promptly all reports, laws, forms, circulars and instructions which he may receive for the use of the schools and the teachers. Third—To report to the superintendent of public instructions annually, on the first day of August, for the school year ending June thirtieth next preceding, giving the number of children of school age, the number of school houses, the number of school district, the amount of money apportioned each year, the amount paid to teachers, the amount paid for school houses and furniture, and any other matter of interest connected with schools or with the conduct and management of schools. Fourth—To enforce the course of studies adopted by the board of education, and to report to the superintendent of public instruction the refusal of any board of directors to comply with clauses two and nine of section 38 of this act. Fifth—To enforce the rules and regulations required in the examination of teachers. Sixth—To keep on file and preserve in his office the biennial report of the superintendent of public instruction. Seventh—To keep in a good and well bound book, to be furnished by the county commissioners, a record of his official acts. Eighth—To carefully preserve all reports of school officers and teachers, and at the close of his term of office deliver to his successor all records, books, documents and papers belonging to the office,

taking a receipt for the same, which shall be filed in the office of the county auditor.

SEC. 2. That section 24 of said act be amended to read as follows: Section 24. Every county superintendent shall receive a salary of one hundred dollars per annum, and when the number of scholars shall exceed five hundred, then he shall receive the sum of five dollars for each additional one hundred scholars, or fractional part thereof, and three dollars for each school visited during the year, together with mileage at the rate of ten cents per mile in going to or returning from said school, to be paid quarterly in the same manner as the salaries of other county officers, upon his certifying to the county commissioners that he has actually discharged the duties required; *provided*, that he shall spend not less than three hours in each school so visited by him; *provided further*, that he shall receive mileage but for one visit in each year.

SEC. 3. This act shall take effect from and after its passage.
Approved February 2, 1888.

Schools--Examination Teachers.

CHAPTER CXIII.

AN ACT

TO AMEND SECTIONS 25 AND 26 OF AN ACT ENTITLED, "AN ACT TO AMEND THE COMMON SCHOOL LAW OF THE TERRITORY OF WASHINGTON," [APPROVED FEBRUARY 4, 1886.]

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 25, Title III be, and is hereby amended to read as follows: Section 25. Each county superintendent shall [call] to his assistance two persons holding the highest grade certificates in his county, and such persons, with the county superintendent, shall constitute a board for the examination of teachers. It shall be the duty of the county board of examination, in all counties having one thousand or more children of school age, to be at the county seat on the second Wednesday of the months of February, May, August.

and November for the purpose of examining teachers, but the counties having less than one thousand children of school age, the county board of examination shall meet the second Wednesday of the months of May and November for the purpose of examining teachers. The superintendent shall give ten days' notice of the same by posting up hand-bills or otherwise. The superintendent shall also, at such time and place, transact such other business as properly appertains to his office; and any person or district applying on different days for the transaction of such business, shall pay the superintendent a reasonable compensation for his trouble, not exceeding the sum of two dollars. A proper allowance shall be made out of the county treasury for the necessary books, stationery and postage for the county superintendents office; *provided*, that such persons called to the assistance of the county superintendent shall receive three dollars per day for the time actually employed, and mileage at the rate of ten cents per mile; *provided further*, that an examination which may take place in any of the counties prior to the passage of this act, or the knowledge thereof, shall be valid, or when advertisement of such examination shall have been made prior to the passage of this act, or knowledge thereof of said examination shall be valid until the succeeding examination, as provided in this act.

SEC. 2. That section 26, Title III be, and is hereby amended to read as follows: Section 26. There shall be three grades of certificates, first, second and third; but no certificate shall be issued to any person who has not arrived at the age of eighteen years. Unless revoked for cause, first grade certificates shall entitle the holder to teach for three years; second grade for two years, and third grade for one year; but the issuing of more than one third-grade certificate to any person shall be left to the discretion of the county board of examination. No first-grade certificate shall be granted until the applicant shall have filed with the county superintendent satisfactory written evidence of having taught successfully one school year of nine months. Boards of examination may, in their discretion, issue certificates without examination to the graduates of the normal department of the university of Washington Territory, or to any applicant presenting a certificate of like grade, issued in this or any other State or Territory. Those holding first-grade county certificates, and who shall have been actually engaged in teaching for three years, shall be eligible to examination for first-grade Territorial certificates; *provided*, that any teacher holding a certi-

cate in force and effect, granted by any county board of examination in this Territory, shall be entitled to exercise all of the duties of teacher in any county of this Territory upon presenting said certificate to the county superintendent of the county in which said certificate is desired to be used, whose duty it shall be to endorse it, and said certificates shall be in full force and effect until the next meeting of the county board of education.

SEC. 3. All acts and parts of acts in conflict with this act is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

Schools--Directors, Etc.

CHAPTER CXIV.

AN ACT

TO AMEND SECTIONS 36, 67 AND 87 OF AN ACT ENTITLED, "AN ACT TO AMEND THE COMMON SCHOOL LAW OF THE TERRITORY OF WASHINGTON," APPROVED FEBRUARY 4, 1886.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 36 of an act entitled, "An act to amend the common school law of the Territory of Washington," be and the same is hereby amended to read as follows: Section 36. In all organized districts in which elections have been previously held, one director shall be elected for the term of three years, and if any vacancies are to be filled, a sufficient number to fill them for the unexpired term or terms, and the ballot shall specify the respective term for which each director is to be elected, and the clerk shall be elected for the term of one year. In new districts acting under directors appointed by the county superintendent, three directors shall be elected for one, two and three years respectively; the clerk and directors elect shall take office immediately after qualifying, and shall hold office until their succes-

sors are elected and qualified; any clerk or director elect who shall fail to qualify within ten days after being elected, or who shall be absent from the district for the period of thirty days at any time, shall forfeit all right to the office, and the county superintendent shall appoint to fill the vacancy until the next annual school meeting.

SEC. 2. That section 67 of said act be and the same is hereby amended to read as follows: Section 67. The directors of such district shall also have the power to levy a special tax of not exceeding five mills in any one year for tuition purposes in their district, as provided by law, without submitting the same to the qualified voters of such district; *provided*, that in making such tax levy the directors shall use as a basis for such levy the last assessment made by the county assessor for county purposes.

SEC. 3. That section 87 of said act be and the same is hereby amended to read as follows: Section 87. All applicants for certificates shall be at least sixteen years of age, shall have attended a teachers' institute, and shall be examined in reading, writing, orthography, arithmetic, geography, English grammar, physiology, hygiene, history of the United States, school law of the Territory, and the theory and practice of teaching; but no person holding a third grade certificate shall receive another of like grade.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 2, 1888.

Sheep—Trespass by.

CHAPTER CXV.

AN ACT

TO PREVENT TRESPASSES BY SHEEP UPON CERTAIN LANDS IN THIS TERRITORY, AND TO PUNISH THE OWNERS OF SUCH SHEEP FOR VIOLATION OF THIS ACT.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That it shall be unlawful in this Territory for sheep to enter any land or lands, enclosed or unenclosed, belong-

ing to or in the possession of any person other than the owner of such sheep, unless by the consent of the owner of such land, other than the public lands of the United States.

SEC. 2. Any person being the owner or having in his possession, charge or control, as herder, or otherwise, any sheep, who shall herd or drive such sheep upon the lands of another for the purpose of pasture, against the consent of the owner of such land, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding three hundred dollars (\$300.00), or imprisoned in the county jail not exceeding thirty days, or both such fine and imprisonment, which fine, when collected, shall go into the county school fund of the county.

SEC. 3. Lands owned or claimed by any person under any of the land laws of the United States, subject to the paramount title of the United States, shall be deemed in possession of such person for the purposes of this act.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

SHEEP—TO PREVENT SPREAD OF DISEASE AMONG.

CHAPTER CXVI.

AN ACT

IN RELATION TO AND TO PREVENT THE INTRODUCTION OR
SPREAD OF DISEASE AMONG SHEEP.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That it shall be the duty of the commissioners of each county, upon the presentation to them at any regular meeting, of a petition signed by three or more owners of sheep, residing in said county, to appoint some suitable person, being a qualified elector of said county, as sheep inspector of said county for two years from the date of his appointment and until his successor is appointed and qualified as herein provided.

SEC. 2. Such person so appointed shall, before entering upon the discharge of the duties of his office, take and subscribe an oath of office and enter into a bond, with two or more sureties approved by the county commissioners, in the penal sum of \$1,000, conditioned for the faithful performance of the duties of his office.

SEC. 3. Such inspector shall have the power to appoint not more than two deputies, for whose acts he shall, in all cases, be responsible, and by whom he may perform any act or duty required of him by this act; and each inspector shall be provided by the county with a seal of office, which shall be inscribed in substance as follows: "Sheep inspector of..... county, W. T." And each official certificate or report of such inspector shall be authenticated by such seal.

SEC. 4. No person, company or corporation shall bring or cause to be brought into this Territory any sheep or band of sheep without first, and within one year prior thereof, obtaining from a sheep inspector duly appointed and qualified under this act, a certificate under the official seal of such inspector, to the effect that the said sheep, or band of sheep, have been personally inspected by such inspector, and that all such sheep are sound and healthy, and free from scab or scabies, or other infectious or contagious disease, and no person, company or corporation shall move, or cause to be moved, any sheep or band of sheep from one county in this Territory to another county without first, and within one year prior thereto, obtaining such certificate, as is above mentioned. It shall be the duty of any sheep inspector, upon request of any person, to visit and inspect any band of sheep within his county, or within five miles of the line of the Territory, unless he has inspected such band of sheep within three months prior thereto, and if, at the time of such inspection, such sheep are healthy and free from scab or scabies, and all infectious and contagious diseases, he shall issue to the owner or person in charge thereof a certificate to that effect; and if not healthy and free from scab and all contagious and infectious diseases, he shall revoke any certificate which may have been issued by him, and the person holding such certificate shall forthwith, on demand, deliver the same to such inspector.

SEC. 5. Any person, company or corporation, owning or having charge of any sheep infected with scab or any infectious or contagious disease, shall keep the same, and all sheep with which such have been in contact, secure from contact with other sheep, and shall not drive or permit the same to go upon any

public road or highway, or any inclosed land not owned by such company, person or corporation; *provided*, that such sheep may be moved or driven upon such places and highways by first obtaining the written permission of the sheep inspector of the county wherein such sheep may be, which permission shall state the time within which they are to be moved, the place to and from which, and the route to be traveled.

SEC. 6. It shall be, and is hereby made, the duty of each sheep inspector appointed under this act, to examine, visit and inspect every band of sheep within his county during the months of April and May of each year.

SEC. 7. Whenever, upon inspection of any band or herd of sheep kept or herded in any county of the Territory of Washington, the sheep inspector shall find such sheep, or any portion of them, affected with scab or any infectious or contagious diseases, he shall forthwith notify the owner or person in charge of such diseased sheep, in writing, to put such diseased sheep, and the band or herd in which they have been kept, into an enclosure, or by other sufficient means be kept from contact with other sheep, and to proceed immediately to treat them for the cure of such disease, in some manner or by some means approved by an inspector; and any person, company or corporation who shall neglect for ten (10) days to put such sheep into an enclosure, or by other sufficient means secure them from contact with other sheep, or shall refuse or neglect for ten (10) days after such notice to proceed to treat such sheep for the cure of such diseases in some manner or by some means approved by an inspector, shall be guilty of a misdemeanor, and for each day of such neglect or refusal to treat such sheep after ten (10) days from each notice, such person or corporation shall be guilty of a separate misdemeanor and in addition to the punishment provided in this act the inspector shall, in case of a refusal or neglect to secure such diseased sheep from contact with other sheep, immediately upon notice being given as hereinbefore provided, or in case of a refusal or neglect of ten (10) days after notice to treat such sheep for the cure of such diseases, seize such sheep, and by enclosure or other sufficient means secure them from contact with other sheep, and proceed without unnecessary delay to treat them for the cure of such disease; and the expense of such seizure, keeping and treatment, together with the fees of the inspector while engaged therein, shall be a charge on the sheep so seized, and the inspector shall hold the sheep until the same is paid, and if not paid within ten (10) days after such treatment is completed, he shall collect the same, together with the costs and expenses of collection, by advertising and selling such sheep, or as many thereof as may be necessary, in the manner provided

by law for the sale of personal property upon execution; *provided*, no person, company or corporation shall be required to dip a band of sheep between the first day of December and the first day of May.

SEC. 8. No owner of any toll bridge, or ferry boat, or person in charge thereof, shall permit any sheep to cross such bridge, or go upon such ferry boat, unless the person in charge of such sheep shall first exhibit to the person in charge of such bridge or boat, a valid certificate issued by an inspector appointed under this act, to the effect that such sheep are free from scab and all other contagious and infectious diseases.

SEC. 9. Every certificate issued under this act shall be null and void after one year from the date thereof.

SEC. 10. Each inspector shall be paid five (5) dollars per day for each day when actually engaged in the discharge of the duties of his office, and ten cents per mile for each mile actually traveled by him for such purpose, and his bills for such service shall be audited and paid by the county commissioners [of the county] for which he is appointed.

SEC. 11. Any person, company or corporation violating any of the provisions of this act shall be liable in a civil action for all damages sustained by any other person, company or corporation in consequence of such violation, and any person, company or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by a fine of not less than fifty dollars or over five hundred dollars.

SEC. 12. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after the first day of March, 1888.

Approved February 2, 1888.

SOLDIERS—RELIEF OF, UNION AND MEXICAN.

CHAPTER CXVII.

AN ACT

TO PROVIDE FOR THE RELIEF OF INDIGENT UNION AND MEXICAN WAR SOLDIERS, SAILORS AND MARINES, AND THE FAMILIES OF THOSE DECEASED OR INDIGENT, AND TO DEFRAY FUNERAL EXPENSES.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. For the relief of indigent and suffering union soldiers, sailors and marines, who served in the war of the rebellion, or in the war with Mexico, and their families, or the families of those deceased, who need assistance in any city or town or precinct in this Territory, the board of commissioners of [the] county in which such city, town or precinct is situated may provide such sum or sums of money as may be necessary, to be drawn upon by the commander and quartermaster of any post of the Grand Army of the Republic in said city or town, upon the recommendation of the relief committee of said post, in the same manner as is now provided by law for the relief of the poor; *provided* said soldier, sailor and marine, or the families of those deceased, are and have been residents of the Territory for at least six months, and the orders of said commander and quartermaster shall be the proper vouchers for the expenditure of said sum or sums of money.

SEC. 2. If there be no post of the Grand Army of the Republic in any precinct in which it is necessary that such relief, as provided for in section one, should be granted, the county commissioners of the county in which such precinct is, may accept and pay the orders drawn, as hereinbefore provided, [by] the commander and quartermaster of any post of the Grand Army of the Republic located in the nearest city or town, upon the recommendation of a relief committee, who shall be residents of the said precinct in which the relief may be furnished.

SEC. 3. Upon the passage of this act the commander of any post of the Grand Army of the Republic which shall undertake the relief of indigent veterans and their families, as hereinbefore provided, before the acts of said commander and quartermaster may become operative in any city or precinct, shall file with the county auditor of such county a notice that said post intends to undertake such relief, as is provided by this act. Such notice shall contain the names of the relief committee of said post in such city or precinct, and of the commander and other officers of said post. And the commander of said post shall annually thereafter, during the month of October, file a similar notice with said county auditor, and also a detailed statement of the amount of relief furnished during the preceding year, with the names of all persons to whom such relief shall have been furnished, together with a brief statement in each case from the relief committee upon whose recommendation the orders were drawn.

SEC. 4. The county commissioners may require of the commander and quartermaster of any post of the Grand Army of the Republic undertaking to distribute relief under this act a bond, with sufficient and satisfactory sureties for the faithful and honest discharge of their duties under this act.

SEC. 5. County commissioners are hereby prohibited from sending indigent union soldiers, sailors and marines (or their families, or the families of those deceased), of the classes of persons mentioned in section 1, to any alms-house (or orphan asylum) without the concurrence and consent of the commander and relief committee of the post of the Grand Army of the Republic having jurisdiction, as provided in sections one and two. Indigent veterans with families, and the families of deceased veterans, shall, whenever practicable, be provided for and relieved at their homes in such city, town or precinct in which they shall have a residence, in the manner provided in sections one and two of this act. Indigent or disabled veterans of the classes specified in section one, who are not insane, and who have no families or friends with whom they may be domiciled, may be sent to any soldier's home.

SEC. 6. It shall be the duty of the board of county commissioners in each of the counties of this Territory to designate some proper authority other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor or mariner, who served in the army or

navy of the United States during the late rebellion, or in the war with Mexico in the years eighteen hundred and forty-six, eighteen hundred and forty-seven and eighteen hundred and forty-eight, who shall hereafter die without leaving means sufficient to defray funeral expenses; but the expenses of such funeral shall not, in any case, exceed the sum of thirty-five dollars. If the deceased has relatives or friends who desire to conduct the burial, and who are unable or unwilling to pay the charges therefor, then the said expenses, not to exceed thirty-five dollars, shall be paid to them, or their representative, by the county treasurer, upon due proof of the death and burial of any person provided for by this section, and proof of expenses incurred.

SEC. 7. That the board of county commissioners of the several counties of this Territory are hereby authorized to levy, in addition to the taxes now levied by law, a tax not exceeding three-tenths of one mill upon the taxable property of their respective counties, to be levied and collected as now provided by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of honorably discharged indigent union soldiers, sailors and marines, and the indigent wives, widows and minor children of such indigent or deceased union soldiers, sailors and marines, to be disbursed for such relief by such board of county commissioners.

SEC. 8. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

SUPREME COURT—EXPENSES OF JUSTICES.

CHAPTER CXVIII.

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE EXPENSES OF JUSTICES OF THE SUPREME COURT OF THIS TERRITORY WHILE ATTENDING AND HOLDING THE SAME, AND NOT OTHERWISE PROVIDED FOR BY LAW.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That at the close, or within a reasonable time thereafter, of the terms of the supreme court of this Territory,

the several judges holding such court shall each make a certified statement of the expenses necessarily incurred by him in attending and holding the same, and for the payment of which no provision is made by law, and thereupon the Territorial auditor shall audit the same, and he shall draw a warrant on the treasury of the Territory for the amount of said expense, and the same shall be paid by the Territorial treasurer, out of any money in the Territorial treasury not otherwise appropriated.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

SUPREME COURT—PRESERVATION OF RECORDS.

CHAPTER CXIX.

AN ACT

FOR THE PURCHASE OF SUITABLE FILES AND FIXTURES FOR THE
PRESERVATION OF THE RECORDS OF THE SUPREME COURT
OF WASHINGTON TERRITORY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That the sum of two hundred and fifty (\$250) dollars, or so much thereof as may be necessary, be and hereby is appropriated out of any money in the Territorial treasury not otherwise appropriated, for the purchase of suitable files and fixtures for the preservation of the records of the supreme court of this Territory.

SEC. 2. Upon presentation of proper vouchers by the clerk of the supreme court, approved by the chief justice thereof, the Territorial auditor shall draw his warrant for the amounts thereof, and the Territorial treasurer shall pay the same.

SEC. 3. This act shall be in force from and after its approval by the governor.

Approved January 28, 1888.

Supreme Court Reports—Distribution of.

CHAPTER CXX.

AN ACT

TO PROVIDE FOR THE PUBLICATION AND DISTRIBUTION OF VOLUME THREE OF THE REPORTS OF THE SUPREME COURT OF WASHINGTON TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the auditor of the Territory be, and is hereby authorized and required to purchase from the publisher, for the Territory, three hundred copies of volume three of the reports of the decisions of the supreme court of Washington Territory, reported by H. G. Struve, now in progress of publication, at a price not exceeding five dollars per volume.

SEC. 2. Whenever said three hundred volumes, the purchase whereof is authorized by the preceding section, shall have been delivered to the said auditor, he shall draw his warrant upon the treasurer for the said purchase price, to wit: The sum of fifteen hundred dollars, and also for the freight charges thereon from the place of publication, which warrants shall be delivered to the parties entitled thereto, and payable out of the general fund. A sufficient sum of money for such purpose is hereby appropriated for that purpose.

SEC. 3. The auditor shall thereupon deliver to the Territorial librarian a sufficient number of copies for such purpose, and the librarian is directed to forward per mail, post paid, to the persons and the number of copies following, to wit: 1, to the library of congress, two copies; 2, to the secretary of state, war, navy, interior and attorney general of the United States, each one copy; 3, to each of the judges of the supreme, circuit and district courts of the United States and the court of claims, one copy; 4, to each State and Territory of the United States, one copy; 5, to the governor, each justice of the supreme court, secretary, auditor, treasurer and United States district attorney for the Territory, one copy each; 6, to the clerk of the supreme court, one copy, and one copy each to each clerk and deputy clerk of the district courts of the Territory, and to each district attorney, probate judge, county auditor, and in the several dis-

tricts and counties in the Territory, one copy, for the use of their respective offices; 7, the surplus copies to be kept by the auditor of the Territory for distribution as may be provided by law.

SEC. 4. The librarian of the Territory is directed to securely wrap and forward the said copies to the persons and places above named, post paid, and the sum of one hundred dollars, or so much thereof as may be necessary for such purpose, is hereby appropriated for such purpose from the general fund, and the auditor is directed to audit the librarian's bill for such purpose and draw his warrant on the Territorial treasurer therefor, and the treasurer is directed to pay the same.

SEC. 5. This act shall [take] effect and be in force from and after its passage and approval.

Approved February 2, 1888.

Supreme Court—Adjourned Terms.

CHAPTER CXXI.

AN ACT

TO AUTHORIZE THE SUPREME COURT OF WASHINGTON TERRITORY TO HOLD ADJOURNED TERMS AT SUCH PLACES AND TIMES AS IT MAY DIRECT.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the supreme court of Washington Territory is authorized to hold adjourned terms for the year 1888, at such times and places in this Territory as it may direct.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage and approval.

Approved February 2, 1888.

Surveys—Authorized by United States.

CHAPTER CXXII.

AN ACT

RELATING TO SURVEYS AUTHORIZED BY THE CONGRESS OF THE UNITED STATES IN THE TERRITORY OF WASHINGTON.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That any person employed in the execution of any survey authorized by the congress of the United States may enter upon any land within this Territory for the purpose of exploring, triangulating, leveling, surveying, and of doing any work which may be necessary to carry out the object of existing laws, and may establish permanent station marks, and erect the necessary signals and temporary observations, doing no unnecessary injury thereby.

SEC. 2. That if the parties interested cannot agree upon the amount to be paid as damages caused thereby, either of them may petition the court of probate in the county in which the land so entered upon is situated, which court shall appoint a time for a hearing as soon as may be, and order at least fourteen days' notice to be given to all parties interested, and with or without a view of the premises, as the court may determine, hear the parties and their witnesses, and assess the damages, if any there be.

SEC. 3. That the person or persons so entering upon land may tender to the injured party damages therefor, and in case of appeal or application to said probate court the damages finally assessed do not exceed the amount so tendered, the person so entering shall recover costs, otherwise the prevailing party shall recover costs.

SEC. 4. The costs to be allowed in such cases shall be the same as and governed by the fees and costs in said court as now allowed by law.

SEC. 5. That if any person or persons shall wilfully deface, injure or remove any signal monument, building or other property of the United States coast and geodetic survey, constructed or used under and by virtue of any of the acts of the congress of the United States, he or they shall forfeit a sum not exceeding

fifty dollars (\$50) for each offense, and shall be liable for [any] and all damages sustained by the United States in consequence of such defacing, injury or removal, to be recovered in any court of competent jurisdiction.

SEC. 6. This act shall take effect and be in force from and after its passage and approval.

Approved February 1, 1888.

Executive Office—Incidental Expenses.

CHAPTER CXXIII.

AN ACT

TO APPROPRIATE MONEY FOR TERRITORIAL INCIDENTAL EXPENSES OF THE EXECUTIVE OFFICE.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of five hundred (\$500) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Territorial treasury, not otherwise appropriated by law for Territorial expenses of the executive office.

SEC. 2. The Territorial auditor is hereby authorized to draw warrants on the Territorial treasurer to an amount not exceeding two hundred and fifty dollars (\$250) per annum on presentation to him of vouchers duly certified by the governor, with the amount that has been expended for Territorial, incidental and contingent expenses of the executive office.

SEC. 3. The Territorial treasurer is hereby authorized to pay such warrants upon presentation, out of money not otherwise appropriated.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved February 2, 1888.

Trusts—Arising Under Act of Congress.

CHAPTER CXXIV.

AN ACT

PREScribing RULES AND REGULATIONS FOR THE EXECUTION OF THE TRUST ARISING UNDER THE ACT OF CONGRESS ENTITLED "AN ACT FOR THE RELIEF OF THE INHABITANTS OF CITIES AND TOWNS UPON THE PUBLIC LANDS," APPROVED MARCH 1, 1887.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Whenever any persons shall found or lay out a town or city under and by virtue of the act of congress of the United States entitled, "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March second, eighteen hundred and sixty seven, it shall be the duty of such persons to file a duly authenticated plat of such city or town in the office of the county auditor of the county wherein such city or town is situated, within thirty days after the appropriation of the tract of land selected and appropriated for the site of such city or town.

SEC. 2. Within ten days after such plat shall have been filed for record, the county auditor of such county shall notify the corporate authorities of such city or town, if incorporated, and if not incorporated, the probate judge of the county wherein such city or town is situated, that such plat has been filed for record in his office, and shall furnish them or him with a certified copy thereof, and upon the receipt of such notice the corporate authorities or probate judge shall procure and cause to be kept a suitable record book in which to record the claims of occupants of lots prior to the issuance of patent for said site of the city or town.

SEC. 3. Any occupant or occupants of any lot or lots in such town shall be entitled to have his claim recorded in such record, upon the presentation of a written description of the lot or lots claimed by him, and upon the payment of a fee of one dollar per lot for the lot or lots claimed by him or them, and such occupant or occupants shall receive a certificate of such record, duly authenticated by such corporate authorities or probate judge.

SEC. 4. When the corporate authorities of any such city or town, or the judge of the probate court for any county in this Territory in which any unincorporated town may be situate, shall have entered at the proper land office the land or any part of the land, settled and occupied as the site of such city or town, it shall be the duty of such corporate authorities or judge to dispose of and convey the title to such lands, or to the several blocks, lots, parcels or shares thereof, to the persons hereinafter specified.

SEC. 5. Any such corporate authorities or probate judge holding the title to any such land in trust, as declared in said act of congress, shall, by a good and sufficient deed of conveyance, grant and convey the title to each and every block, lot, share or parcel of the same, to the person or persons who shall have, possess, or be entitled to the rights of possession or occupancy thereof, according to his, her or their several and respective rights or interest in the same as they existed in law or equity at the time of the entry of such lands, or to his, her or their heirs or assigns; and when any parcel or share of such lands shall be occupied or possessed by one or more persons claiming the same by grant, lease or sale from one or more other persons, the respective right and interest of such persons in relation to each other in the same shall not be changed or impaired by any such conveyance. Every deed of conveyance made by such corporate authorities or probate judge, pursuant to the provisions of this act, shall be so executed and acknowledged as to admit the same to be recorded.

SEC. 6. Within ninety days after the receipt by them or him of a patent for such lands, the corporate authorities or probate judge entering the same shall give public notice thereof by publishing such notice in a newspaper printed and published in the county in which such city or town shall be situated, or in case there shall not be any newspaper printed and published in said county, then in the newspaper published nearest to said lands. Such notice shall be published once in each week for at least six successive weeks, or thirty days daily; and said notice shall also be posted in six of the most public places in said city or town for thirty days, and the same shall contain a correct description of the lands so entered, as the same is stated in the patent.

SEC. 7. Each and every person, company or persons, corporations or associations, claiming to be an occupant or occupants, or to have, possess or be entitled to the right of occupancy or possession of such lands, or any block, lot, share or parcel thereof, shall, within six months after the first publication of such notice, in person, or by his, her, their or its duly authorized agent or attorney, sign a statement in writing, containing a

correct description of the particular parcel or parts which he, she, they or it claim to be entitled to receive, and deliver the same to or into the office of such corporate authorities or probate judge; and all persons failing to sign and deliver such statement within the time specified in this section shall be forever debarred the right of claiming or recovering such lands, or any interest or entail therein, or in any part, parcel or share thereof, in any court of law or equity; *provided*, that the bar to the right of claiming or recovering such lands, or any interest or entail therein, as in this section provided, shall not apply to minors or insane persons; and *provided further*, that all applications for conveyances under this act for the benefit of minors and insane persons shall be made by the guardian or trustee of such minor or insane person, and all applications for such for the benefit of married women may be made by their husbands, if in this Territory; but in case of the absence of the husband from this Territory, or his refusal to make such application, then such married woman may apply in her own name.

SEC. 8. Should two or more persons claim adversely the title to any lot or lots, or parcels of land within the boundaries of said city or town, the corporate authorities or probate judge having entered the same shall, immediately after the time for filing claims has expired, certify and transmit all proceedings and papers had or being before them or him in the premises, to the district court for the county in which said lot or lots, or parcels of land are situated. Upon the receipt of the papers properly certified, and upon payment of court fee and costs, the clerk of such district court shall enter the case upon the register of actions, the name of the claimant whose claim was first filed with and by such corporate authorities or probate judge being entered upon such register as plaintiff, and the other claimant or claimants as defendant, and thereafter the cause shall proceed in all respects as in cases originally brought in court. The clerk shall, upon the receipt by him of such papers and proceedings, serve upon each claimant, his agent or attorney, a written notice that the claim of such claimant is contested, which notice shall specify the particular lot, block or parcel so contested, and the name of the adverse claimant. Upon the final determination of such contest, the clerk of the district court, or supreme court, as the case may be, shall forthwith certify the decision to the corporate authorities or probate judge; and upon the receipt of such decision, duly certified, the corporate authorities or probate judge shall, as in other cases, make out, execute and deliver to the party or parties in whose favor the decision is made, a conveyance

in fee simple for the lot or lots or parcels of land awarded in such decision.

SEC. 9. Any party in such action deeming himself or herself agrieved by the determination or judgment of the district court in such cases, may appeal therefrom to the supreme court, as in other cases.

SEC. 10. After the issuance of the patent for such lands, it shall be the duty of the corporate authorities or probate judge to whom such patent shall issue, to make out, execute and deliver to each person, company, association, or corporation, who may be legally entitled to the same, a deed in fee simple, for such part or parts, lot or lots of land, on the payment of his, her, their or its proper and due proportion of the purchase money for such land, together with his, her, their or its proportion of such sum as may be necessary to pay for streets, alleys, squares and public grounds, not to exceed one dollar for each lot, and also the further sums as a compensation for executing and acknowledging such deed of three dollars for the first, and two dollars for each additional lot claimed by the same owner; for counsel fee, and for moneys expended in the acquisition of the title and the administration of the trust, including reasonable charges for time and services while employed in such trust, not exceeding the sum of two dollars for each lot; *provided*, that no estimate shall be made for counsel fee, unless the same shall have been actually and necessarily expended; *provided*, that deeds made under the provisions of this act for the benefit of minors and insane persons shall be to the guardian or trustee of such minor or insane person, as the case may be, in trust for such minor or insane person.

SEC. 11. Occupation of lots shall be construed to mean occupation by building thereon, and shall in no way be construed to mean actual residence thereon. If all the lots, blocks, shares or parcels of such land are not claimed by the proper owners before the expiration of one year after the same shall have been passed upon by the corporate authorities or probate judge, or in case of contest, within thirty days after such contest shall have been finally determined, the same shall be sold to the highest bidder, the proceeds applied to the erection of public buildings, for the benefit of such city or town, after paying their share of the purchase money and other expenses, including expenses incurred by publication and sale. Notice of the sale authorized by this section shall be published as is provided for in the notice required by section six of this act; *provided*, that the provisions of this section shall not apply to the sale of real estate belonging to minors or insane persons, except upon an order of court authorizing such sale, which order may be made by the court

upon an ex parte application under oath of the trustee named in this act.

SEC. 12. Any corporate authorities or probate judge becoming a trustee under said act of congress, who shall, prior to the final execution of their trust, as provided in this act, go out of office, shall be, and they are hereby authorized and empowered to discharge and execute all trusts which they may have assumed, in all respects in the same manner and subject to the same conditions, duties and requirements as if they had continued in office.

SEC. 13. In case of death, or ninety days' absence from the Territory, or other disability of the trustee to execute the trust created by said act of congress, it shall be lawful for the corporate authorities, or probate judge of the district in which any city or town is situated, who may succeed said trustee in office, to assume said trust, and they or he shall be authorized, and they are hereby empowered, to execute the same in all respects in the same manner, subject to all the duties and requirements as provided in this act.

Approved January 31, 1888.

RAILROAD PROPERTY—ASSESSMENT AND COLLECTION OF TAXES.

CHAPTER CXXV.

AN ACT

TO PROVIDE FOR THE ASSESSMENT, LEVY AND COLLECTION OF TAXES UPON THE PROPERTY OF RAILROAD COMPANIES IN THIS TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the taxes upon the property of railroad companies in this Territory shall hereafter be assessed, levied and collected as the taxes upon the property of individuals in this Territory are assessed, levied and collected, and that all the provisions of law now in force, or that may hereafter be put into operation in this Territory, providing for the assessing, levying and collecting of taxes upon the property of individuals

shall, unless otherwise provided, apply and be applicable to the assessing, levying and collecting of taxes upon the property of railroad companies.

SEC. 2. That all the acts or parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after the first day of March, A. D. 1888.

Approved January 31, 1888.

TOWNS AND VILLAGES—INCORPORATION OF.

CHAPTER CXXVI.

AN ACT

FOR THE INCORPORATION OF TOWNS AND VILLAGES IN THE
TERRITORY OF WASHINGTON.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. When a majority of the taxable inhabitants of any town or village within this Territory present a petition to the judge of the district court having jurisdiction of real actions in such county, setting forth the metes and bounds of such town or village, together with the adjacent bounds, in all not exceeding in area one square mile, which they desire to include therein, and praying that they may be incorporated, and police established for their local government, and the judge of the district court shall be satisfied that a majority of the taxable inhabitants of such town or village as shown by the last assessment roll of said county shall have signed such petition, such judge of the district court shall cause such petition to be entered in full on the records of such court, together with the names of the petitioners, and shall thereupon make and record an order declaring such town or village duly incorporated, designating in such order the metes and bounds thereof and the name of such town or village, and thenceforward the inhabitants within such metes and bounds are a body politic and corporate by the name and style of the inhabitants of the town

(or village, as the case may be,) of, naming it, and by that name they and their successors shall be known in law, have perpetual succession (unless such corporation be dissolved) sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity, and in all actions, pleas and matters whatsoever; may grant, purchase, hold and receive property both real and personal, and may lease, sell and dispose of the same for the benefit of such town or village; and may have a common seal, and make and alter the same at pleasure.

SEC. 2. The corporate powers and duties of every town or village so incorporated are vested in a board of trustees, to consist of five members. The first board of trustees must be appointed by such judge of the district court, at the time of declaring such town or village incorporate, and continue in office until their successors are elected and qualified, and such successors must be chosen by the qualified electors residing in such town or village, on the first Monday of April in every year in the manner hereinafter provided.

SEC. 3. Any inhabitant of such town or village may be a trustee, who has resided therein for the period of sixty (60) days next preceding his election, and who at the time of his election or appointment is a qualified elector of the county in which such town or village is situate; and every trustee so elected shall hold his office for the term of one year, and until his successor is elected and qualified.

SEC. 4. Every trustee before entering upon the duties of his office must take an oath to support the constitution of the United States, and the organic act of the Territory of Washington, and faithfully and impartially to discharge the duties of his office; and every board of trustees must assemble within ten days after their appointment or election and choose a chairman from their number. The board of trustees must by ordinance fix the time and place of holding their stated meetings, and may be convened at any time by the chairman.

SEC. 5. At all meetings of the board a majority of the trustees [shall] constitute a quorum to do business, a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the board of trustees by ordinance have previously prescribed.

SEC. 6. The board of trustees may determine rules for their own proceedings, punish any member or other person

for disorderly behavior in their presence, and with the concurrence of four of the trustees, expel or suspend any member, but not a second time for the same offense. They must keep a journal of their proceedings and cause the yeas and nays to be taken and entered on the journal on any ordinance, and their proceedings must be public.

SEC. 7. Said board of trustees shall have power:

1. To pass by laws and ordinances.
2. To prevent and remove nuisances.
3. To regulate and prohibit gambling.
4. To establish night watches.
5. To regulate or prevent the firing of fire-arms.
6. To prevent, restrain and suppress bawdy houses, gambling houses, opium dens, and other disorderly houses, within the limits of such town or village.
7. To license, regulate, prohibit or suppress dram-shops, tippling-houses, saloons, gambling-houses, theatrical and other amusements, traveling shows, circuses and other exhibitions and shows within such town or village; also, to license and regulate hawkers, peddlers, book agents, patent medicine venders, traveling doctors and street fakirs.
8. To regulate or prevent furious and unnecessary fast driving or riding of any horse or other animal within such town or village, or such part thereof as they may think proper.
9. To erect and maintain poor-houses and hospitals.
10. To provide pest-houses.
11. To prevent the introduction and spread of contagious diseases.
12. To prevent and extinguish fires, and for that purpose have power to purchase fire engines and to erect engine houses; to purchase hose carts, hose, hooks, ladders, trucks, buckets, ropes and all other apparatus to maintain a fire department; to provide cisterns, hydrants, water works, or to purchase water for fire purposes from others maintaining water works in such town or village, in such manner as the trustees by ordinance determine.
13. To levy and collect from insurance companies doing business in such town or village, a license-tax, for the support of the fire department therein, not exceeding five per cent. of the gross sums paid to insurance companies in such town or village, annually, as premiums.
14. To provide fire limits within such town or village.
15. To establish and regulate markets.
16. To keep in repair and unobstructed from rubbish,

filth or other deleterious substance, all highways, streets and alleys within such town or village.

17. To erect, repair and regulate wharves and the rates of wharfage.

18. To regulate the landing of steamboats, rafts and other water crafts.

19. To provide for the inspection of lumber, building materials and provisions to be used or offered for sale in such town or village, or to be exported therefrom.

20. To remove all obstructions from the side-walks, curbstones, gutters, cross-walks, alleys and open ditches and streams of water running through such town or village, at the expense of the owners or occupants of the ground fronting or abutting thereon, or at the expense of the person placing the same there.

21. To require and regulate the planting of shade trees in the streets;

22. To regulate the building of railways, stairways, doors and doorways of any public building, awning posts, or all structures projecting upon or over and adjoining, and all excavations through and under the sidewalks or streets of of such town or village;

23. To have streets and alleys opened, graded and repaired and the footways and side walks paved or planked at the expense of the occupants of the adjacent lots, or if any such owner or occupant fails to open, repair or pave or plank the same as required by ordinance, such board of trustees may cause the same to be done and may recover the full expense thereof, and the costs of the proceedings to obtain such recovery from such owner or occupant by action in the name of the corporation before any court of competent jurisdiction, and if any tenant be required to open, grade, repair or plank in front of the property occupied by him, the expense thereof is a good set-off against so much rent due the owner; but no tenant can be required to expend more than the rent due, and such charges are a lien upon the property and may be enforced and collected as other liens.

24. To regulate or restrain the running at large of cattle, horses, hogs, mules, sheep, goats, dogs or other animals, and to cause such as may be running at large to be impounded and sold to discharge the cost and penalties provided for the violations of such prohibitions, and the expense of impounding and keeping the same, and of such sale;

25. To provide for taxing the owners and harborers of dogs, and to destroy dogs found at large contrary to any ordinance regulating the same.

26. To provide for the erection of all useful pens, pounds and buildings for the use of the town or village, within or without the limits of the same and to appoint and compensate the keepers thereof, and to establish and enforce rules governing the same.

27. To regulate the storage of gunpowder, dynamite, nitro-glycerine, and all powder and explosives containing nitro-glycerine, and all other explosive and inflammable materials and articles dangerous to life and property.

28. To regulate the construction of and cleaning of fire-places, chimneys, stoves, stove-pipes, ovens, boilers, kettles, forges, furnaces, or any other apparatus used in any building, manufactory or business, which may be dangerous in causing or promoting fires, and to prescribe limits within which no dangerous, obnoxious or offensive business shall be carried on.

29. To prevent, restrain and suppress riots, noises, disturbances or disorderly assemblies in any street, alley, commons, house or place in the town or village.

30. To regulate, prevent and punish the carrying of concealed weapons.

31. To provide for the arrest and punishment of all vagrants found within such town or village, and to set at work upon the streets or alleys all persons convicted of vagrancy.

32. To acquire water rights for the benefit of the inhabitants of such town or village for culinary, domestic or irrigating purposes, for the extinguishing of fires, and for all other useful and necessary purposes for which water can be beneficially used for the benefit of the inhabitants of such town or village.

33. To erect and maintain water works for the purpose of furnishing water to the inhabitants of such town or village, for the extinguishment of fires, and for such purposes to condemn lands, to acquire, by condemnation or otherwise, water-ways, springs, streams and water courses, the right of way, and to do all things necessary to enable such town or village to acquire and maintain water works within the limits, not inconsistent with the laws of the United States or this Territory.

34. To establish and maintain a public reading room and library in such town or village, to be under the management and control of the board of trustees, to appoint a librarian and janitor therefor, and to levy by tax upon the taxable property within such town or village, annually, not exceeding two mills on the dollar, for the purpose of establishing and maintaining such free public reading room and library; said taxes to be levied and collected in the same manner as other taxes are levied and collected in said town or village for general purposes.

35. To make all such ordinances, by-laws, rules, regula-

tions and resolutions, not inconsistent with the laws of the United States or of this Territory, as may be expedient to maintain the peace, good government and welfare of the town or village, and its trade, commerce and manufactures.

36. To enforce all ordinances by inflicting penalties for the violation thereof, not exceeding three hundred dollars for any offense, recoverable with costs together with imprisonment until the amount of the said judgment and costs are paid.

SEC. 8. The officers of every town or village incorporated under this act shall, in addition to the board of trustees hereinbefore provided for, consist of a marshal, clerk, corporation, counsel, assessor, treasurer, and street commissioner, and such other subordinate officers as the board of trustees shall from time to time by ordinance provide for, and who shall be appointed by the board of trustees at their first regular meeting after their appointment or election, and shall hold their offices for one year and until their successors are elected and qualified; and said board of trustees shall have power to fix and regulate by ordinance the salary and fees of all officials specified in this section, at their last regular meeting prior to the appointment of such officers, or at the same meeting at which such officers are appointed, and at any time thereafter to prescribe their duties; and said board of trustees shall have power to fill all vacancies that may occur in such offices, and shall require the treasurer of such town or village, and such other officers as they shall in their opinion deem necessary or expedient, to give bonds, with sufficient surety, to be approved by the chairman of the board of trustees, in such sum or sums as they shall deem necessary to secure the faithful performance of the duties of their respective offices, and security for the proper appropriation all moneys coming into their hands as such officers.

SEC. 9. The board of trustees have power to appropriate money and provide for the payment of the debts and expenses of the town or village; and when such board of trustees order any account or demand to be paid, if money has been appropriated for that purpose, and not otherwise, the clerk must draw a warrant upon the treasurer for the amount ordered paid, which warrant must be drawn upon the special or general fund appropriated therefor, and be signed by the chairman of the board of trustees and countersigned by the clerk; *provided*, that the board of trustees shall not contract any debt or debts, including existing indebtedness, the sum total of which shall be in excess of four per cent. of the value of the taxable property situate within such town or village.

SEC. 10. The board of trustees shall have power to borrow money on the credit of the town or village, and to pledge its

credit, revenue and public property for the payment thereof; *provided*, that the board of trustees shall first be instructed so to do by a majority of all the votes cast at an election held in such town or village for that purpose.

SEC. 11. The board of trustees have power to provide for the issuing bonds for the purpose of funding the indebtedness of the town or village. Said bonds must be payable in not more than twenty years from the date of their issue, and must bear interest at a rate not exceeding ten per cent. per annum, with interest coupons attached, payable annually or semi-annually, and to levy taxes upon all taxable property in such town or village in addition to other taxes, for the payment of said coupons as they become due, and such taxes shall be payable only in cash or such coupons. But the bonded and other indebtedness must not at any one time exceed four per cent. of the value of the real and personal property in said town or village, according to the assessment of the preceding year. And no bonds must be negotiated by said board of trustees at less than their par value.

SEC. 12. The board of trustees have power to make provisions for a sinking fund, to pay at maturity the bonded indebtedness of town or village, and to levy and collect taxes on all taxable property in said town or village in addition to other taxes for the purpose of paying the same, and to provide that said tax be paid in cash; and whenever any town or village has heretofore issued bonds by virtue of any special authority derived from the legislature of this Territory, the board of trustees have power to levy and collect taxes for the purpose of paying such bonds as is provided in the law giving such authority.

SEC. 13. The board of trustees have power to make any and all improvements of a general nature in a town or village, and for the purpose of paying for the same may borrow money, on such terms as the board of trustees may prescribe, subject however to the limitations and restrictions in this act, and for money so borrowed may issue the bonds of the town or village, due in not more than twenty years from date of their issue, with interest thereon at a rate not exceeding ten per cent. per annum, with interest coupons thereto attached, payable annually or semi-annually, and may levy and collect taxes upon all the taxable property in the town or village, in addition to other taxes, to pay such bonds at their maturity and the interest coupons as they respectfully [respectively] become due, which taxes must be paid in cash only.

SEC. 14. The board of trustees have power to levy and collect taxes for general revenue purposes, not to exceed ten

mills on the dollar in any one year, on all property within the limits of such incorporated towns or villages, taxable according to the laws of the Territory of Washington, the valuation of such property to be taken from the books or assessment rolls of the county assessor of the county in which such town or village is situated for the last preceding assessment.

SEC. 15. The assessor appointed by the board of trustees of such town or village, must make a fair and full assessment of all the real and personal and other property within the limits of such town or village, subject to taxation under the laws of this Territory, and he must deliver the same to the board of trustees, and the clerk of said board of trustees must, under the direction of said board of trustees, prepare and deliver to the treasurer of such town or village a duplicate of said tax list, keeping in his office the original list, returned by the assessor as aforesaid, and he may receive therefor such compensation as the board of trustees may prescribe; *provided*, that the board of trustees shall be a board of equalization, and shall have power to equalize the assessment so made at any regular meeting, after such assessment list is returned, and after having given at least five days public notice of such purpose and meeting in such manner as the board of trustees shall by ordinance prescribe, and the copy of the tax list delivered by the clerk to the treasurer as aforesaid, shall be a copy of the list as equalized by the board of trustees.

SEC. 16. The treasurer of such town or village receiving such duplicate tax list, within ten days thereafter must give notice that the said tax list is in his hands for the collection of taxes; that the taxes, if not paid within three months from the date of such notice, will be delinquent and subject to all the forfeiture and penalties attaching to delinquent taxes under the general laws of this Territory; such notice must be given by publication once in a newspaper published in the town or village, or in case no newspaper is published therein, then by printed or written notices posted in four or more public places within the limits of said town or village.

SEC. 17. Whenever any of said taxes become delinquent as aforesaid, it is the duty of the treasurer of said town or village, to deliver to the marshal of any such town or village a certified list of the delinquent taxes due said town or village, as well for previous years also, and the lots and parcels of land upon which such delinquent taxes are due must be advertised and sold by such marshal for the same time in the same manner and with like effect as lands or lots are sold by the county

tax collector, and said marshal [shall] make out certificates of sale, and must make, execute and deliver marshal's deeds for all lots or lands so sold within the same time and in the same manner or [as] is now provided by law when land is sold for delinquent county taxes, and such certificates and deeds have the same force and effect as those made by the county tax collector in case of sales for delinquent county taxes, and all laws of this Territory applicable to sale of lands for delinquent county taxes, so far as the same are applicable and not in conflict herewith, shall govern in sales of lands for taxes under this section. The marshal must forthwith pay over to the treasurer of such town or village all moneys collected by him for such delinquent taxes as aforesaid, and shall receive such compensation as the board of trustees shall by ordinance prescribe.

SEC. 18. The board of trustees have power to purchase, hold and pay for lands, not exceeding bodies of twenty acres, within or outside the limits of such town or village, for a cemetery for burial of the dead, and to survey, map, grade, fence, ornament, and otherwise improve such cemetery grounds, and to provide for the expense thereof; to convey cemetery lots by certificates signed by the chairman of the board of trustees and countersigned by the clerk of said board, and such certificate vests in the proprietor, [purchaser], his heirs and assigns, a right in fee simple to such lot for the sole purpose of interment. The board may pass rules, regulations and ordinances regulating, protecting and governing said cemetery, the owners of lots therein, and visitors and trespassers thereon. The moneys received from the sale of such cemetery lots must be kept separate from other moneys belonging to such town or village, and be known as the cemetery fund; and such moneys must be applied in payment for such cemetery ground, when such payment is not otherwise provided for by the board of trustees, and for the improvement and ornamentation thereon.

SEC. 19. The chairman of the board of trustees must cause to be printed and published the by-laws and ordinances of the board, for the information of the inhabitants of the town or village, and cause the same to be carried into effect; and in case of the absence of the chairman of the board from any of the meetings of the board of trustees, such board may appoint a chairman pro tempore, who may for the time being have and exercise the same powers and perform the same duties as the regular chairman.

SEC. 20. All vacancies in the board of trustees must be

filled by a special election, called by the board after ten days notice of such special election.

SEC. 21. The board of trustees must, as often as may be necessary, appoint three qualified voters to act as an election board, one of whom must act as judge and two as clerks of election, who must control and superintend all elections for trustees or other officers required to be elected under this act.

SEC. 22. The board of trustees must give public notice of the time and place of holding such elections, said notice to be given not less than ten [and] not more than twenty days previous to the election, by posting notices in five of the most public places in said corporation, or by publishing for a period of not less than three weeks in some newspaper published in, and of general circulation in, said corporation, said notices to contain the object and purpose of said election.

SEC. 23. If, on any day appointed for holding any election under the provisions of this act, the judge or clerks of election fail to attend, the electors present may fill such vacancies from among the qualified electors present.

SEC. 24. All persons who are qualified electors in this Territory, residing within the limits of such incorporated town or village, and who have resided within the same for thirty days next preceding the election, are entitled to vote at all elections of town officers, or upon any question submitted to the electors of such town or village by the board of trustees.

SEC. 25. At all elections herein provided for, the polls must be kept open from nine o'clock in the morning until six o'clock in the afternoon.

SEC. 26. That all municipal corporations in this Territory, whether incorporated by this act or by special charter, may extend their boundaries in the following manner: The mayor or chairman of the board of trustees of any such municipal corporation shall present to the tribunal specified in the first section of this act a petition, setting forth specifically the metes and bounds of the land over which it is proposed to extend the boundaries of such corporation, not exceeding one mile on either side of such corporation at any one time, the reason why such extension of boundaries is sought, that such petition had been ordered by the board of trustees or city council of said corporation, and that a majority of the taxable inhabitants of the district included within such proposed extension have petitioned the board of trustees or city council of such corporation to become part thereof, and their petition approved by such board or council, and that notice of the filing of such petition by such mayor or chairman of the

board of trustees in such tribunal has been given by publication in some newspaper published and of general circulation in such corporation for the full period of three weeks next preceding the filing of such petition, and if no newspaper is published therein, that such notice has been posted for such period of time in four or more of the most public places in said corporation; and if such judge of the district court to whom such petition is presented shall be satisfied that the statements in such petition are true, the prayer contained in such petition shall be granted and an order made and recorded to that effect, specifying the land or district so added to such corporation, which land or district shall then and there become part of and be included within the limits of such corporation in the same manner and to the same extent as if originally incorporated therein; *provided further*, that any such corporation may again and from time to time extend its boundaries in the same manner as herein provided for; *provided further*, that it shall not be competent for any such corporation to extend its boundaries so as to include the whole or any part of any other municipal corporation in this Territory, now or hereafter organized under this act or under any special charter; *provided*, that no such municipal corporation shall extend its boundaries so as to include more than twenty acres of land belonging to any one person, and not platted into lots, without the written consent of the owner of such land; *provided*, that any municipal corporation now existing under any special charter may incorporate under this act in like manner as if such special charter did not exist, but in such case the petition provided for in section one of this act shall, in addition to the matters authorized therein required, state the fact of such incorporation under special charter, and such petition shall be deemed a surrender of such special charter, to take effect when organization is complete under this act; *provided further*, that the corporate authorities of such municipal corporation shall, before such petition is filed, cause an election to be held in such corporation, at which shall be submitted to the qualified electors thereof the question whether or not such special charter shall be surrendered and the corporation organized under this act; and unless a majority of such voters so vote, such special charter shall not be surrendered, nor the corporation organized under this act, and the fact of such election and majority vote as aforesaid must be alleged in the petition and proved on the hearing thereof, which election shall be held, noticed and conducted in such manner as such municipal corporation shall by ordinance provide; and *provided further*, that when such municipal corporation is organized under this act, it shall succeed to all of the property, rights, privilege, franchises and easements belonging to the former

municipal corporation dissolved by such act, and of which it shall take the place.

SEC. 27. No corporation is dissolved by this act, and all towns and villages heretofore incorporated under the laws of this Territory and not heretofore dissolved by law may continue under their respective charters.

SEC. 28. All acts and parts of acts heretofore passed which conflict with any of the provisions of this act be and the same are hereby repealed.

SEC. 29. This act to take effect and be in force from and after its approval by the governor.

Approved February 2, 1888.

UNIVERSITY—APPROPRIATION. FOR SUPPORT.

CHAPTER CXXVII.

AN ACT

FOR THE SUPPORT OF THE UNIVERSITY OF WASHINGTON
TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That there be, and hereby is, appropriated out of any money in the Territorial treasury not otherwise appropriated, the sum of ten thousand dollars (\$10,000) for the payment of salaries of teachers and professors in the literary department of the University of the Territory of Washington for the two years commencing on the first day of January, 1888, and ending on the first day of January, 1890.

SEC. 2. That there be, and hereby is, appropriated out of the Territorial treasury the further sum of three hundred dollars (\$300) to be expended by the regents in the purchase of books for the library of said university.

SEC. 3. That there be, and hereby is, appropriated out of said Territorial treasury the further sum of three hundred dollars (\$300) for the purchase of philosophical and chemical apparatus, as well as chemicals, for the use of said university.

SEC. 4. The sum mentioned and appropriated in section one (1) shall be paid in quarterly installments by warrant drawn by the Territorial auditor on the Territorial treasurer in favor of the treasurer of the board of regents. The first quarter shall commence upon the first day of January, 1888, and end on the (30th) thirtieth day of March of said year, and so on, in quarterly payments in the manner above provided, during the two (2) years mentioned in section one (1). The sums mentioned and appropriated in sections two and three of this act shall be drawn on warrant as provided for above in two (2) equal installments, the first to be drawn on the first day of July, A. D. 1888, and the last on the first day of July, 1889.

SEC. 5. Each member of the legislative assembly of this Territory may appoint one person, who may attend the university without payment of any tuition, in the literary department of the same, for the term of two years from and after the date of appointment. The person appointed must be a bonafide resident of the district of the person appointing, at the time of his or her appointment. For the purposes of this act the term of the person appointing shall commence at the time he is declared elected and end when his successor is qualified. A copy of the appointment shall be sent to the president of the university, and also one shall be given the person so appointed. The original shall be kept by the person making the appointment. All persons attending the university as students, outside the county of King, during each school year shall have deducted from their tuition the actual cost of their going to and returning from said university to their respective homes.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 7. This act shall take effect from and after its passage and approval by the governor.

Approved January 27, 1888.

WAGES—PAYMENT OF IN LAWFUL MONEY.

CHAPTER CXXVIII.

AN ACT

TO PROVIDE FOR THE PAYMENT OF WAGES OF LABOR IN THE
LAWFUL MONEY OF THE UNITED STATES AND TO PUNISH
VIOLATION OF THE SAME.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. ~~That it shall not be~~ lawful for any corporation, person or firm engaged in manufacturing of any kind in this Territory, mining, railroading, constructing railroads, or any business or enterprise of whatsoever kind in this Territory, to issue, pay out or circulate for payment of wages of any labor, any order, check, memorandum, token or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, unless the same is negotiable and redeemable at its face value, without discount, in cash or [on] demand, at the store or other place of business of such firm, person or corporation when the same issued, and the person who, or company which may issue any such order, check, memorandum, token or other evidence of indebtedness shall upon presentation and demand redeem the same in lawful money of the United States.

SEC. 2. Any officer or agent of any corporation, or any person, firm or company engaged in the business of manufacturing of any kind in this Territory, mining, railroading, constructing railroads, or any other business or enterprise of whatsoever kind in this Territory, who by themselves or agent shall issue or circulate in payment for wages of labor any order, check, memorandum, token or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, without being payable as required by the first section of this act, or who shall fail to redeem this [the] same when presented for payment or demand on said company or its agent, at his or their office or place of business, in lawful

money of the United States, where the said order, check, memorandum, token or evidence of indebtedness was issued, or who shall compel or attempt to coerce any employe of any such corporation, person, firm or company to purchase goods, wares, merchandise or supplies from any particular person, firm or corporation, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding three hundred dollars, or upon failure to pay such fine to be imprisoned in the jail of the county where the misdemeanor is committed until the said fine is exhausted by imprisonment, as provided by the laws of this Territory, for each and every offense.

SEC. 3. And whenever any person or persons, company or corporation is compelled to sue for the recovery of the face value of check, memorandum, token or evidence of indebtedness, issued or circulated for the payment of wages for labor, by reason of the failure of any person, firm, company or person [corporation] issuing the same failing or refusing to pay the same on demand, as provided by the first section of this act, then in such case, if judgment should be granted the plaintiff, the court shall tax an attorney's fee of not less than ten nor more than twenty-five dollars to said judgment, and the further sum of twenty-five dollars as damages to the plaintiff, suffered by the plaintiff by reason of being compelled to sue the said claim; *provided*, that no plaintiff shall recover more than the face value of his said claim where the payment is refused by reason of a dispute as to the ownership of the said claim, or where it appears satisfactorily to the court or jury that the defendant had a sufficient excuse for the refusal of the payment of the said claim; the burden to prove the said sufficient excuse being on the defendant, and should the court or jury find such sufficient excuse, the same is to be specified in the judgment or verdict of said court or jury.

SEC. 4. This act is not to be construed as affecting any bona-fide contract heretofore entered into contrary to its provisions and existing at the date of the passage hereof, and continuing by reason of limitation of said contract being still in force.

SEC. 5. This act to take effect on and after its approval.

SEC. 6. All laws or parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 2, 1888.

WARRANTS—DUPLICATES, HOW ISSUED.

CHAPTER CXXIX.

AN ACT

TO AUTHORIZE THE ISSUANCE OF DUPLICATE TERRITORIAL
WARRANTS IN CERTAIN CASES.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That in case of the loss, or destruction by fire, or other cause, of any Territorial warrant or warrants, issued by the Territorial auditor for the payment of any moneys out of the treasury of the Territory, the said auditor is hereby authorized and empowered to issue a duplicate, or duplicate warrants, in lieu thereof; the said duplicate or duplicates to bear the same number, class or designation in all respects, and to be issued for the same amount as the original, in lieu of which such duplicate shall issue; *provided*, that the issue of any such duplicate warrant or warrants shall be subject to the provisions of section 2 of this act.

SEC. 2. Before any such duplicate warrant shall be issued, as provided in section 1 of this act, the Territorial auditor shall require from the person making application for the issue of such duplicate warrant, to file in his office a written affidavit, specifically alleging on oath that he is the proper owner, payee or legal representative of such owner or payee of the original warrant for which a duplicate is required, giving the date of issue, the number, amount, and for what services or claim said original warrant was issued; and that the same has been lost or destroyed, and has not been paid; and shall also require the person so making application to give a sufficient bond with one or more sufficient sureties, conditioned to save the Territory harmless from the payment of the original warrant and all costs and charges on account thereof.

SEC. 3. The Territorial auditor shall keep a full and complete record, for identification, of all warrants alleged to have been lost or destroyed, and of the issue of any duplicate therefor; and upon the issuance of any such duplicate, he shall

enter the cancellation, upon the books of his office, of the original warrant, and immediately notify the Territorial treasurer of such cancellation.

SEC. 4. This act shall take effect and be in force immediately after its passage and approval.

Approved January 31, 1888.

✻ PRIVATE LAWS. ✻

PRIVATE LAWS.

Adams County—Repealing Road Law.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE LOCATING, OPENING, ALTERING AND VACATING OF COUNTY ROADS IN THE COUNTY OF ADAMS, TERRITORY OF WASHINGTON."

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That an act entitled "An act to provide for the locating, opening, altering and vacating of county roads in the county of Adams, Territory of Washington," be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

Kitsap County—Repealing Road Law.

AN ACT

TO REPEAL AN ACT ENTITLED AN ACT TO PROVIDE FOR THE COLLECTION OF ROAD TAXES, AND THE MAINTENANCE OF ROADS IN KITSAP COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That an act, entitled an act to provide for

the collection of road taxes, and the maintainance of roads in Kitsap county, approved November tenth, eighteen hundred and seventy-nine, be and the same is hereby repealed.

SEC. 2. This act to take effect from and after March first, eighteen hundred and eighty-eight.

Approved January 31, 1888.

Rewards—Pacific County May Offer.

AN ACT

AUTHORIZING THE COUNTY COMMISSIONERS OF PACIFIC AND DOUGLAS COUNTIES TO OFFER REWARDS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the board of county commissioners of Pacific county are hereby authorized to offer a reward of not exceeding one thousand dollars for the detection, arrest and conviction of the parties who, on the night of the 23d day of May, 1887, did, by force of arms, wantonly destroy the fishing gear and tackle, and did burn the boats and fixtures of certain persons who were following the legitimate business of fishing on the waters of Bukey Bay, in Pacific county, Washington Territory. And that the board of county commissioners of Douglas county are duly authorized to offer a reward of not exceeding \$1,000 for the arrest of one William Payne, who murdered Jack Hubbard while he, the said Jack Hubbard, was in the discharge of his duties as special officer.

SEC. 2. The authority conferred upon the county commissioners in section first of this act shall remain in full force and effect and apply to all offences of a like nature in the future until repealed.

SEC. 3. This act to take effect and be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

Whatcom County—Repeal Sheriff's Mileage.

AN ACT

TO REPEAL AN ACT ENTITLED AN ACT FIXING THE MILEAGE FEE OF THE SHERIFF OF WHATCOM COUNTY, APPROVED NOVEMBER 24, 1883.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That an act entitled "an act fixing the mileage fee of the sheriff of Whatcom county, approved November 24th, 1883, be and the same is hereby repealed; *provided*, that nothing herein shall effect the fees of the present incumbent of said office.

SEC. 2. This act shall be in force and take effect from and after its passage and approval.

Approved January 31, 1888.

San Juan County—Relief of.

AN ACT

FOR THE RELIEF OF SAN JUAN COUNTY, AND TO CARRY OUT THE PROVISIONS OF AN ACT OF THE LEGISLATIVE ASSEMBLY, APPROVED DECEMBER 1, 1881, APPROPRIATING A SUM OF MONEY FOR THE USE OF SAID COUNTY.

Whereas, the legislative assembly of the Territory of Washington passed an act, which was approved December 1st, 1881, appropriating the sum of one hundred and seventy-one dollars to reimburse San Juan county for the maintenance of the infant child of Mary Philips, and for the nursing of the said Mary while she was in jail awaiting trial;

And whereas, the Territorial auditor was authorized by said act to place to the credit of said San Juan county only the sum of forty dollars of said amount so appropriated, leaving a balance thereof of one hundred and thirty dollars;

And whereas, there is no manner by which said county can

obtain a credit for the remainder of said amount so appropriated;

And whereas, the said auditor has credited said county with said sum of forty dollars; therefore—

Be it enacted by the Legislative Assembly of Washington Territory:

SECTION 1. That the Territorial auditor is hereby authorized to place to the credit of San Juan county the sum of one hundred and thirty-one dollars.

SEC. 2. This act to be in force and take effect immediately after its passage and approval.

Approved January 27, 1888.

Skamania County—Relief of.

AN ACT

FOR THE RELIEF OF SKAMANIA COUNTY, WASHINGTON TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of seven hundred ninety dollars be and the same is hereby appropriated out of any money in the territorial treasury not otherwise appropriated, for the relief of Skamania county, Washington Territory, for actual expenses incurred in case of Washington Territory vs. Ermino M. Gionini.

SEC. 2. The Territorial auditor is directed to draw a warrant upon the Territorial treasurer in favor of said Skamania county for the sum of seven hundred ninety dollars, and the Territorial treasurer shall pay the same upon presentation.

SEC. 3. This act to take effect from and after its passage and approval.

Approved January 27, 1888.

Territorial Capitol—Insurance of.

AN ACT

TO APPROPRIATE \$150.00 FOR THE INSURANCE FROM FIRE OF THE TERRITORIAL CAPITOL AND LIBRARY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of one hundred and fifty dollars be and the same is hereby appropriated for the insurance against fire of the Territorial capitol and library, for the period of two years, in such company or companies as the governor may select.

SEC. 2. That the total amount of insurance to be placed on the Territorial capitol and library shall not exceed the sum of five thousand dollars, two thousand dollars of which shall be placed on the Territorial capitol, and three thousand dollars on the library.

SEC. 3. The Territorial auditor is hereby directed to draw a warrant, in the sum of one hundred and fifty dollars, on the Territorial treasurer, in favor of the governor, for the payment of the premium on such insurance.

SEC. 4. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 18, 1888.

Adjutant-General—Relief of.

AN ACT

FOR THE RELIEF OF THE ADJUTANT-GENERAL OF WASHINGTON TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of one hundred and fifty dollars be and hereby is appropriated out of any money in the treasury

not otherwise appropriated, for the relief of brigadier-general R. G. O'Brien, for services and expenses incurred as adjutant-general in the organization of national guard of Washington Territory during the years 1886 and 1887.

SEC. 2. The Territorial auditor shall draw a warrant for the said \$150.00 in favor of General R. G. O'Brien, and the Territorial treasurer shall pay the same.

SEC. 3. This act shall be in force from and after its approval.

Approved February 2, 1888.

S. F. Albert—Relief of.

AN ACT

FOR THE RELIEF OF S. F. ALBERT.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of one hundred and ninety dollars (\$190.40) and forty cents be and the same is hereby appropriated out of the Territorial treasury from any funds not otherwise appropriated, to pay S. F. Albert, sheriff of Wahkiakum county, for expenses incurred by him in enforcing the instructions of the chief executive of the Territory and the statutes of Washington Territory relating to fishing in the Columbia river.

SEC. 2. The Territorial auditor is hereby authorized to draw a warrant on the Territorial treasurer for the said sum in favor of the said S. F. Albert, and the Territorial treasurer is directed to pay said warrant out of any funds in the said treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved February 1, 1888.

Wm. Billings and Others.—Relief of.**AN ACT**

FOR THE RELIEF OF WILLIAM BILLINGS, J. K. SMITH AND OLIVER SHEAD.

Whereas, on or about the 10th day of May, 1887, William Billings, J. K. Smith and Oliver Shead, did furnish F. W. Paine, superintendent of the Territorial penitentiary, at Walla Walla, for the use of the Territory, a certain lot of blankets, clothing, shackels, etc.;

And whereas, the said Billings, Smith and Shead have brought in a bill against the Territory of Washington in the sum of \$1793.00 for said supplies so furnished as aforesaid;

And whereas, there is no sufficient evidence as to the value of said articles so furnished, now, therefore

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That said matter, claim and account be and the same is hereby referred to the Territorial auditor for adjustment, and if he, the said auditor, shall find said claim to be correct, and the amount therein specified justly due, or, if he find any sum due the said Billings, Smith and Shead he is hereby authorized and directed to issue his warrant on the Territorial treasury in such sum as he so may have found due.

SEC. 2. That there be and is hereby appropriated out of any moneys in the Territorial treasury, not otherwise appropriated, an amount equal to an amount of such warrant for the payment of the same; *provided*, said amount shall not exceed the sum of seventeen hundred and ninety-three dollars.

SEC. 3. This act to take effect and be in force from and after its passage and approval.

Approved February 1, 1888.

H. W. Eagan—Relief of.

AN ACT**FOR THE RELIEF OF H. W. EAGAN.**

Whereas, H. W. Eagan was duly appointed by the Governor of Washington Territory, on April ninth, 1887, chaplain of the Territorial penitentiary, and duly commissioned as such, and has ever since said date performed the duties of such office;

And whereas, no provision has been made for payment for such services, and said H. W. Eagan has received no pay or compensation therefor, now, therefore

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the Territorial auditor be and is hereby authorized and directed to draw his warrant on the Territorial treasurer for the sum of one hundred and eighty dollars in favor of said H. W. Eagan.

SEC. 2. That there be and is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, for the payment of said warrant, the sum of one hundred and eighty dollars, and said treasurer is hereby authorized to pay said warrant out of said sum hereby appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

T. B. Elder et al—Relief of.

AN ACT

FOR THE RELIEF OF T. B. ELDER, J. W. ARRASMITH, M. GABEL, E. J. FELLOWS, EDWARD IRWIN, B. L. SHARPSTEIN, HENRY ROEDER, P. A. PRESTON AND GEORGE ECKLER.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That there is hereby appropriated, out of any money in the Territorial treasury not otherwise appropriated, for

the relief of T. B. Elder, J. W. Arrasmith, M. Gabel, E. J. Fellows, Edward Irwin, B. L. Sharpstein, Henry Roeder, P. A. Preston and George Eckler, the sum of six hundred and thirty dollars (\$630) for expenses incurred in visiting the Territorial penitentiary at Walla Walla; said visit being in compliance with the provisions of council joint resolution No. five (5).

SEC. 2. The Territorial auditor is hereby authorized and directed to draw his warrants on the Territorial treasurer in favor of T. B. Elder, in the amount of seventy dollars (\$70); in favor of J. W. Arrasmith, in the amount of seventy dollars (\$70); in favor of M. Gabel, in the amount of seventy dollars (\$70); in favor of E. J. Fellows, in the amount of seventy dollars (\$70); in favor of Edward Irwin, in the amount of seventy dollars (\$70); in favor of B. L. Sharpstein, in the amount of seventy dollars (\$70); in favor of Henry Roeder, in the amount of seventy dollars (\$70); in favor of P. A. Preston, in the amount of seventy dollars (\$70); and in favor of George Eckler, in the amount of seventy dollars (\$70); making in all the sum of six hundred and thirty dollars (\$630), and the Territorial treasurer shall pay the same on presentation.

SEC. 3. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 31, 1888.

First National Bank, Seattle.

AN ACT

FOR THE RELIEF OF THE FIRST NATIONAL BANK OF SEATTLE.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of one thousand five hundred and twenty-five (\$1525) dollars, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated for the relief of the First National Bank of Seattle for money advanced, together with interest on the above named amount, to the commissioners of the World's Industrial and Cotton Centennial Exposition, held at New Orleans in the years of 1884 and 1885.

SEC. 2. That the Territorial auditor be and the same is hereby instructed and authorized to draw a warrant on the Territorial treasurer for said sum, and the Territorial treasurer is hereby directed to pay the same out of moneys not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved February 2, 1888.

Harriet M. Johnson—Relief of

AN ACT

FOR THE RELIEF OF HARRIET M. JOHNSON.

Be it enacted by the Legislative Assembly of Washington Territory:

SECTION 1. That the sum of two hundred and twelve dollars is hereby appropriated out of the Territorial treasury for the payment of Harriet M. Johnson, on account of services rendered as messenger to the governor, during the present session of the legislature.

SEC. 2. The Territorial auditor is hereby directed to draw warrants in favor of the said Harriet M. Johnson to the aforesaid amount.

SEC. 3. This act to take effect from and after its passage and approval by the governor.

Approved February 2, 1888.

Henry Landes et. al.—Relief of.

AN ACT

FOR THE RELIEF OF HENRY LANDES, S. W. BROWN AND B. L. SHARPSTEIN.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That there is hereby appropriated, out of any money not otherwise appropriated, the sum of one hundred and

thirty-eight dollars and forty cents, to pay Henry Landes, S. W. Brown and B. L. Sharpstein, commissioners appointed by the governor of this Territory to select a suitable site for a school for the deaf, mute, blind and feeble-minded youth of Washington Territory, for amounts due them for services and money expended as such commissioners in selecting such site; and the Territorial auditor is hereby authorized to draw a warrant on the Territorial treasurer in favor of Henry Landes in the amount of sixty-two dollars and sixty cents; in favor of S. W. Brown in the sum of six dollars, and in favor of R. L. Sharpstein for the sum of seventy-one dollars and eighty cents, in all the said sum of one hundred and thirty-eight dollars and forty cents.

SEC. 2. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 31, 1888.

H. C. Paige—Relief of.

AN ACT

TO PAY H. C. PAIGE FOR PUTTING THE CAPITOL BUILDING AND GROUNDS IN ORDER FOR THE PRESENT LEGISLATIVE ASSEMBLY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of sixty-nine and 55-100 dollars (\$69.55-100) be paid H. C. Paige for putting the capitol building and grounds in order, to be paid out of any money in the Territorial treasury not otherwise appropriated.

SEC. 2. That the Territorial auditor be required to draw his warrant on the Territorial treasurer for the sum of \$69.55-100 in favor of H. C. Paige, and that the Territorial treasurer pay it as other warrants.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved January 28, 1888.

Frank W. Paine—Relief of

AN ACT

**FOR THE RELIEF OF FRANK W. PAINE, SUPERINTENDENT OF THE
TERRITORIAL PENITENTIARY.**

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That there is hereby appropriated, out of any money not otherwise appropriated, the sum of eighty-six dollars, to pay Frank W. Paine, superintendent of the Territorial penitentiary, for money expended by him in recapture of escaped Territorial convicts.

SEC. 2. The Territorial auditor is hereby authorized to draw a warrant in favor of Frank W. Paine for the sum of eighty-six dollars, and the Territorial treasurer is directed to pay the same out of any money not otherwise appropriated.

SEC. 3. This act shall be in force from and after its passage and approval by the governor.

Approved February 1, 1888.

Paine Brothers—Relief of.

AN ACT

**FOR THE RELIEF OF PAINE BROTHERS, OF WALLA WALLA, AND
A. FARQUHAR, OF OLYMPIA.**

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That there be and is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, for the relief of Paine Brothers, of Walla Walla, the sum of one hundred and twenty dollars, and for the relief of A. Farquhar, of Olympia, the further sum of fifty-two and fifty hundredths dollars, for rent of rooms for storage and care of Territorial arms and munitions of war for two years from January 1, 1886, to January 1, 1888.

SEC. 2. That the Territorial auditor is hereby directed to draw his warrant in favor of the parties and for the amounts named in section one of this act and the Territorial treasurer is hereby directed to pay the same.

SEC. 3. This act to take effect and be in force from and after its passage and approval by the governor.

Approved February 2, 1888.

Frank J Parker—Relief of.

AN ACT

FOR THE RELIEF OF FRANK J. PARKER, OF WALLA WALLA, FOR SERVICES AS TRUSTEE OF THE WASHINGTON SCHOOL FOR DEFECTIVE YOUTH.

Be it enacted by the Legislative Assembly of Washington Territory:

SECTION 1. That there be and is hereby appropriated the sum of three hundred and six dollars for the payment of Frank J. Parker for services as trustee of the Washington School for Defective Youth.

SEC. 2, The Territorial auditor is hereby directed to draw a warrant upon the Territorial treasurer in favor of Frank J. Parker for the sum of three hundred and six dollars, payable out of any money in the treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved February 1, 1888.

W. A. Reynolds—Relief of.

AN ACT

FOR THE RELIEF OF W. A. REYNOLDS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That there is hereby appropriated, out of the general fund of the Territory of Washington, the sum of one

hundred and forty-four and 80-100 dollars to pay W. A. Reynolds, trustee, appointed by the governor to act in the management of "the school for the deaf, mute, blind and feeble-minded youth of Washington Territory," for the amount due him for time and money actually spent by him in the performance of such duties.

SEC. 2. The Territorial auditor is hereby authorized and directed to issue a warrant upon the Territorial treasurer for the sum mentioned in section one of this act, and the Territorial treasurer is hereby authorized and directed to pay the same out of any money not otherwise appropriated.

SEC. 3. This act shall take effect from and after its passage and approval by the governor.

Approved January 31, 1888.

R. F. Radebaugh et. al.—Relief of.

AN ACT

FOR THE RELIEF OF R. F. RADEBAUGH AND P. B. JOHNSON.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That there be and is hereby appropriated out of the Territorial treasury from money not otherwise appropriated the sum of one hundred and eleven dollars to be applied and paid as follows, to wit: For the relief of R. F. Radebaugh the sum of sixty six dollars, and for the relief of P. B. Johnson the sum of forty-five dollars, in payment for publishing an act entitled "an act to provide for the sinking of artesian wells in the counties of Adams and Franklin, Washington Territory, and appropriating money therefor," and for advertising for bids for the sinking of an artesian well in Adams county. The said publications being made at the request of the governor and for the payment of which no provisions has been made by law.

SEC. 2. It shall be the duty of the Territorial auditor to draw his warrant on the Territorial treasurer in favor of the said R. F. Radebaugh for sixty-six dollars, and the said P. B. Johnson for forty-five dollars, and the treasurer is hereby directed to pay the same.

SEC. 3. This act to take effect from and after its passage and approval.

Approved February 2, 1888.

Jno. DeTiere—Relief of.

AN ACT**FOR THE RELIEF OF JOHN DE TIERE.**

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of eighteen dollars be and the same is hereby appropriated, out of any money in the Territorial treasury not otherwise appropriated, for the relief of John DeTiere, for three days' services as clerk of the council.

SEC. 2. The Territorial Auditor is directed to draw his warrant upon the Territorial treasurer in favor of said John DeTiere, and the treasurer shall pay the same upon presentation.

SEC. 3. This act shall take effect and be in full force after its passage and approval by the governor.

Approved January 27, 1888.

J. M. Vansyckle, Heirs—Relief of.

AN ACT**FOR THE RELIEF OF THE HEIRS-AT-LAW OF J. M. VANSYCKLE.**

Whereas, on the 19th day of December, 1861, the Territory of Washington, or the board of university commissioners, received from J. M. Vansyckle the sum of two hundred and forty dollars as the purchase price of lots 3 and 4 in section 28, the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of section 28, and the N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of section 27, Tp. 7 N., R. 31 E. of the Willamette Meridian; and also on the 8th day of October, 1862, the further sum of three hundred and sixty dollars as the purchase price of the S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of section 22, Tp. 7 N., R. 37 E. of the Willamette Meridian. Supposing the said lands to be owned by the Territory of Washington as university lands, under an act of congress approved July 17th, 1854; and in fact the said lands were not included in said act of congress, and were not owned by the Territory

of Washington; and the said supposed title thereto has wholly failed, and the heirs of the said J. M. Vansyckle, who has since died, claim that there is equitably due them the purchase price of all lands so purchased, to which the Territory had no title; therefore—

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the said matter and claim be and the same is hereby referred to the Territorial auditor, who is hereby directed to examine the said claim, and if, upon such examination, he shall find that said J. M. Vansyckle paid any sum of money to the Territory of Washington, or to the university commissioners of said Territory, as the purchase price paid for land to which he received no title from said board or the Territory, and it does not appear that said money, or any part thereof, has been returned or repaid to said J. M. Vansyckle, or to his heirs, and that in equity the Territory of Washington should repay to said J. M. Vansyckle, or his heirs, the above named sums, or any part thereof; *provided*, that the Territorial auditor shall not draw his warrant for a greater sum than he finds was originally paid for the lands referred to. The said auditor shall in that event issue to the heirs of said J. M. Vansyckle his warrant in the usual form for such sum as he shall find said heirs are in equity entitled to.

SEC. 2. That there shall be and is hereby appropriated and set aside for the payment of such warrant, if the auditor shall issue the same, out of any moneys not otherwise appropriated, an amount equal to the amount of such warrant and sufficient for the payment thereof, and such warrant shall be paid out of said fund hereby appropriated.

SEC. 3. This act shall take effect and be in force from and after its approval.

Approved February 2, 1888.

✻ MEMORIALS. ✻

MEMORIALS.

MEMORIAL

RELATIVE TO THE REMOVAL OF DUNCAN ROCK.

*To the Honorable Senate and House of Representatives of the
United States in Congress assembled:*

Your memorialists, the legislative assembly of Washington Territory, would respectfully represent to your honorable bodies that the commerce of Washington Territory is greatly endangered by the existence of what is known as Duncan rock; said rock lying at the mouth of the straits of San Juan de Fuca, about two miles from the southern shore of said straits, and in the direct pathway of vessels entering the straits, especially during dark, foggy or stormy weather. The rock is a short, narrow, perpendicular ledge, and is only visible below half tide. Masters, in order to avoid this dangerous rock, often bear too far north, and the tide setting directly against the Vancouver shore, shipwrecks have, in consequence, occurred. The nature of its formation renders it wholly unfit for light-house or any other useful purpose, and hence your memorialists would earnestly ask for an appropriation of such a sum as would be deemed sufficient to remove or destroy said rock, to be expended in such a manner as your honorable body may direct.

Your memorialists would further represent that the amount necessary to destroy or remove said rock would be but small, and bear no proportion to the benefits that would accrue to the commerce of Washington Territory and the Northern Pacific

coast, and we therefore commend this memorial to your favorable consideration.

And, as in duty bound, your memorialists will ever pray.
Passed the Council December 16, 1887.

JOHN R. THOMPSON,
President of the Council.

Passed the House January 10, 1888.

W. M. CLARK,
Speaker of the House.

MEMORIAL

PRAYING FOR SETTLEMENT OF INDIAN WAR CLAIMS OF 1855
AND 1856.

*To the Senate and House of Representatives of the United
States of America in Congress assembled:*

Your memorialist, the legislative assembly of the Territory of Washington, would respectfully represent: That the indomitable and persevering energy of our early pioneers, who came to this Territory for the purpose of making homes, founding towns and building up a great commonwealth, is deserving of just recognition on the part of our government. That your memorialist and the legislative assembly of the State of Oregon have for many years past respectfully called the attention of Congress to the great injustice that has been done to the pioneers of this Territory and the State of Oregon in the long delay of payment of the just claims of our citizens, growing out of the Indian war of 1855 and 1856. That while the general government has recognized its liability for the expenses of said war, its failure to pay just compensation for services rendered and for losses sustained has caused a lasting injury, the effects of which are still manifest on those and their descendants, who suffered losses by such war, or who assisted in quelling it.

Wherefore your memorialist respectfully prays your honorable body, in the name of justice to the pioneers and to the veterans of the Indian war of 1855 and 1856, that the expenses of such war be paid as allowed by the able commission consisting of Gen. Rufus Ingalls, A. J. Smith and Hon. L. F. Grover, that the claims for losses known as the depredation claims be audited and paid, and that such other and further relief be rendered as may seem fit to those who bore westward the

banner of American civilization across mountains, swollen streams and through the haunts of the hostile savage, and planted it firmly in the soil of the Pacific Northwest.

Passed the Council December 14, 1887.

JOHN R. THOMPSON,
President of the Council.

Passed the House January 13, 1888.

• W. M. CLARK,
Speaker of the House.

MEMORIAL

ASKING FOR AN ADDITIONAL APPROPRIATION FOR THE CUSTOM
HOUSE BUILDING AT PORT TOWNSEND.

To the Senate and House of Representatives in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent: That your appropriation of \$80,000 for the erection of a custom house building at Port Townsend, the port of entry for the Puget Sound district, is inadequate to complete the said building on the original plans. These plans were designed to meet the growing business of the district for years to come, and thus save the extra expense in making additions every time they might be found necessary; but the growth has been so far in excess of these calculations that additions will now have to be made to the original plans. When the bill was passed in 1884 appropriating \$80,000 for said building, there were employed in the whole Puget Sound district 18 persons; now the force is double that number. The superficial area of floor room now occupied by the customs department in the rented building is greater than that in the new building in course of erection.

Puget Sound at the present time occupies a prominent position among the maritime ports of the United States, and the rapidity with which the great natural resources of the Territory are being developed will soon place this port in advance of all others. From Governor Eugene Semple's report for 1887 to the secretary of the interior the following facts may be verified:

1st.—In the number of American steam vessels engaged in the foreign trade, Puget Sound stands first.

2d.—In tonnage of American steam vessels engaged in the

foreign trade, Puget Sound stands second, New York being first.

3d.—In the aggregate number of American and foreign steam vessels engaged in the foreign trade we stand seventh.

4th.—In the aggregate tonnage of American and foreign steam vessels engaged in the foreign trade, Puget Sound stands seventh.

5th.—In the aggregate number of entrances and clearances of American and foreign vessels, steam and sail, Puget Sound stands fourth.

6th.—In the aggregate tonnage of all vessels, American and foreign, steam and sail, Puget Sound stands seventh.

Taking these facts into consideration, your memorialists would earnestly invite your particular attention to this important matter. Port Townsend is situated at the entrance to Puget Sound and immediately across the straits of Juan de Fuca from Victoria, the capital of British Columbia, where the British government has expended over a million dollars in public buildings and works. The dignity as well as the necessity of our government demand that we have our public business at this important point conducted in a safe, commodious and suitable building. Such a building cannot be completed for less than \$300,000, and your memorialists deem it their duty to ask for an additional appropriation sufficient to reach that amount. Puget Sound, appropriately styled "the Mediterranean of the Pacific," with her 1984 miles of shore line, and 2000 square miles of water, with a shipping business exceeding that of four-fifths of all the customs districts of the United States, offers unrivalled advantages and possibilities as abundant reason for the petition herein contained.

With all these facts in view, and the necessity for such a public building before us, we respectfully ask your honorable bodies to appropriate the sum of 220,000 for the purpose herein set forth. And to that end your memorialists will ever pray.

Passed the Council December 21, 1887.

JOHN R. THOMPSON,
President of the Council.

Passed the House December 21, 1887.

W. M. CLARK,
Speaker of the House.

MEMORIAL.

To the Honorable Senate and House of Representatives in Congress assembled:

We, your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent:

1. That the channel near the entrance of Admiralty inlet, on Puget Sound, known as "Deception Pass," is narrow, rock-bound, tortuous, and subject to daily tide-currents so swift that navigation therein is extremely perilous even to the most skillful seamen, especially in dark, foggy or stormy weather.

2. That these dangers to commerce are greatly increased and aggravated by certain jutting points of sharp rocks, submerged at ordinary tide-stage, and projecting from the sides of the said channel.

3. That with the increasing and constantly developing commercial business of Puget Sound, the necessity for daily use of said Deception pass by mail and passenger steamers, tow-boats, freighting vessels and other water craft, is imperative. It is constantly used by steamers carrying U. S. mails and passengers, and plying between Seattle and Whatcom and intermediate points, because the only other channel, viz., "Swinomish Slough," is too shallow to admit of regular schedule connections, by reason of the ebb and flow of the tides. Rafts of saw-logs, frequently towed through said Deception pass, are especially imperilled on account of the obstructions referred to; and the shore is so bold, the water so deep, and whirling, angry counter-currents so common and so strong that in case of a vessel striking upon any point of rocks within said channel not only total destruction but loss of human life must inevitably follow, as has been the case heretofore.

The late lamented General Logan, while visiting Puget Sound, shortly before his death, passed through this channel on one of the local steamers, and thereupon expressed his determination, after personal investigation, to secure a suitable appropriation to make improvement, as herein asked for.

4. That a sum comparatively small, considering the necessity and importance of the work required to be done, viz., ten thousand dollars would probably be sufficient to remove by blasting the most dangerous points of rocks referred to, and would thus greatly lessen the dangers to navigation within said channel.

Therefore, we would respectfully urge upon your honor-

able bodies that an item of ten thousand dollars be included in the bill which you may pass for improvement of rivers and harbors, said amount, when appropriated, to be used for the purpose herein designated.

And your memorialists will ever pray.

Passed the Council January 18, 1888.

JOHN R. THOMPSON,

President of the Council.

Passed the House February 1, 1888.

W. M. CLARK,

Speaker of the House.

MEMORIAL

IN RELATION TO THE ADMISSION OF WASHINGTON TERRITORY
AND NORTHERN IDAHO AS A STATE.

*To the Honorable the Senate and House of Representatives of
the United States:*

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent: That all that part of Idaho Territory known as "Northern Idaho," and bounded as follows: Commencing at a point in the middle channel of Snake river on the eastern boundary line of Washington Territory; thence running southerly along the middle of said river to where the 45th parallel crosses said river; thence east along said parallel to where it intersects the meridian 37 degrees and 30 minutes west from Washington; thence northerly along said meridian to the line of the British Possessions; thence west along said line to the eastern boundary line of Washington Territory; thence south along said line to the place of beginning, and separated from the remainder at [of] Idaho Territory by an almost impassable chain of mountains, and that the same is separated from Washington Territory only by an imaginary line through an open agricultural country; and—

Whereas, The people thereof for years past have been, and must always continue to be, connected by close commercial and business relations with the people of Washington Territory, and they have always been, and must continue to be, cut off and isolated from the balance of Idaho Territory, and at a remote and inconvenient distance from their capital, and the natural barriers being such that this condition must forever remain; and—

Whereas, The people of said Northern Idaho having by ballot and otherwise signified a unanimous desire to be united with Washington Territory for governmental purposes, the house of representatives of said Idaho Territory having on different occasions passed memorials praying your honorable body that said Northern Idaho be attached to and made a part of the State of Washington, when the Territory of Washington should be admitted into the Union; and—

Whereas, The present number of its inhabitants, which fully equals that of many of the States in this Union, and the almost unparalleled increasing population, which is being induced by the magnitude of the mineral, agricultural and other magnificent natural resources, the equable climate, and the rapid development of its material interests; and believing that the time has arrived when Washington Territory should be admitted to full sisterhood with the other States in the Union, should be allowed to renew her allegiance to the grandest government the world has ever seen, standing erect in the majesty and dignity of Statehood. Firmly believing this, and that by such admission the happiness and best interests of this people, and the harmony and welfare of the general government will be promoted;

Therefore, your memorialists humbly and earnestly pray your honorable bodies to pass an enabling act authorizing and empowering the people of Washington Territory and said Northern Idaho to form a State constitution preparatory to their admission into the Union as a State, and your memorialists will ever pray.

Passed the Council January 26, 1888.

JOHN R. THOMPSON,
President of the Council.

Passed the House January 27, 1888.

W. M. CLARK,
Speaker of the House.

MEMORIAL.

FOR THE REMOVAL OF A BAR ON THE COLUMBIA RIVER.

To the Honorable Senate and House of Representatives in Congress assembled:

The legislative assembly of the Territory of Washington respectfully represent: That a bar has recently formed across

the Columbia river at a point five miles above the mouth of the Willamette, reducing the navigable depth of the Columbia above this latter point from twenty (20) to eight (8) feet, and thus preventing sea-going craft from ascending to the lumber mills and wharves at and above Vancouver.

That a standard-gauge railroad is now building from Vancouver in a northeasterly direction through a heavily-timbered country, and that twenty (20) miles of this road will be built and in operation by the end of the current year; and that eastern capitalists, heavily interested in the lumber trade, are preparing to erect here saw-mills which will cut 400,000 feet of lumber per day, and have contracted for the logs to be hauled over this road.

That the banks of the river below the bar are not adapted to the establishment of mills and lumber-yards, being subject to overflow during portions of each year.

That the removal of this bar is therefore of urgent necessity in the interest of the large and growing lumber trade, which employs millions of money and thousands of men, shipping to all parts of the United States and to foreign countries.

That the bar can be removed at a moderate cost, as shown by the surveys and estimates made by the United States engineers.

And therefore, your petitioners do earnestly request that your honorable body will, in the interest of the general public, make such appropriations as will, in accordance with the estimates of the U. S. engineers, be necessary to remove this bar which now obstructs the navigation of the Columbia river at said point.

And your petitioners will ever pray.

Passed the Council January 28, 1888.

JOHN R. THOMPSON,
President of the Council.

Passed the House February 1, 1888.

W. M. CLARK,
Speaker of the House.

MEMORIAL

To the Senate and House of Representatives:

Your memorialists, the legislative assembly of the Territory of Washington, respectfully represent:

That the general government has constructed at great cost

and expense a snag boat, to be used for the purpose of clearing the snags and jams from the navigable rivers that empty into Puget Sound.

That the Nooksack river is one of the rivers in which said boat was intended to operate.

That, said river is now so infested with snags, jams and drift as to greatly retard the navigation thereof.

That its free and uninterrupted navigation is of the very greatest importance to all the people residing in that portion of the country.

That there is no money appropriated by which said boat can now be operated, but that the same remains idle and unemployed.

We, your memorialists therefore pray that an appropriation of ten thousand dollars be made for the operation of said boat and the removal of the obstruction from said river, and we will ever pray.

Passed the House January 17, 1888.

W. M. CLARK,

Speaker of the House.

Passed the Council January 24, 1888.

JOHN R. THOMPSON,

President of the Council.

MEMORIAL

PRAYING FOR THE REMOVAL OF OBSTRUCTIONS FROM THE
UPPER COLUMBIA RIVER.

*To the Senate and House of Representatives of the United States
of America in Congress assembled:*

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent to your honorable body, that the interests of the people in a large part of this Territory imperatively require that some immediate action should be taken under the authority of congress to open the upper Columbia river, or that part thereof from the mouth of the Colville river to the junction of the Snake river with the Columbia river, being a distance of over three hundred miles. That said river for said entire distance is sufficiently large for any amount of commerce. That at the present time a large part of said river is rendered dangerous, and therefore comparatively useless, by reason of a few rapids and sunken rocks.

That \$5,000 judiciously expended would remove all obstructions between the mouth of the Colville river and Fort Spokane, and that \$75,000 is required for the removal of obstructions between the foot of Priest's Rapids and the mouth of the Okanogan river. That by reason of the discovery of mines in the Okanogan river valley the opening of the Moses Indian reservation to settlement, and the rapid settlement upon the public lands throughout said Upper Columbia river valley, and the important mineral and agricultural resources of the Colville valley, at present without communication with the outside world, renders the Columbia river, as a commercial highway, of great and increasing importance.

Therefore, your memorialists pray that the sum of \$5,000 be appropriated for the removal of obstructions in said river, between the mouth of the Colville river and Fort Spokane; and that \$75,000 be appropriated to remove obstructions from said river, between the mouth of the Okanogan river and Priest's Rapids. And further pray, that a survey of said river be made, from the British Columbia line to the junction of the Snake and Columbia rivers.

Your memorialists would call the attention of your honorable body to the report to the chief of engineers of the United States of America, made by Major of Engineers W. A. Jones.

And your memorialists will ever pray.

Passed the House of Representatives December 12, 1887.

W. M. CLARK,

Speaker of the House.

Passed the Council December 16, 1887.

JOHN R. THOMPSON,

President of the Council.

MEMORIAL

PRAYING FOR THE ADMISSION OF WASHINGTON TERRITORY
AS A STATE.

To the Senate and House of Representatives of the United States:

Your memorialists, the legislative assembly of Washington Territory, represent:

That Washington Territory has now a population of from 175,000 to 200,000 energetic, intelligent, law-abiding citizens

within its boundaries, and that its population is rapidly adding thereto;

That its agricultural, lumbering, mining and grazing interests are already of vast importance, and that their development is constantly increasing the wealth and importance of the Territory;

That its commerce is of such magnitude that the volume of shipping of its port of entry is exceeded only by but few ports of entry in the whole of the United States;

That she confronts one of the most active of the foreign powers, which is constantly exerting the greatest energy in the building up of naval stations and maritime ports just outside our borders;

That she has now worn her Territorial robes for thirty-four years, a period of time surely sufficiently long to entitle her to an invitation to statehood.

In support of our ability to maintain a state government we submit:

That our school children, under the age of twenty-one, who are entitled to draw public money, number 47,431, and that we have paid out during the year for school purposes the sum of three hundred and five thousand dollars;

That we have an asylum for our insane erected at a cost of one hundred thousand dollars, and that we have and maintain all the other charitable institutions usually maintained in the states of the Union;

That we have a Territorial university and various and numerous private schools and colleges scattered throughout the Territory;

That we have completed, within the last year, a penitentiary, at a cost of eighty-two thousand dollars, and are fully prepared to take care of our idle and vicious;

That our taxable property, outside of railroad property, aggregates the sum of \$61,562,739, and have little or no indebtedness;

That we have over 941 2-10 miles of railroad constructed in our Territory already, and that the era of railroad building is the most prosperous and promising.

With all these reasons, and the further great one that the genius of American institutions are builded upon self-government, we believe that our disabilities should be removed, and that we should be permitted from henceforth to govern ourselves as a state;

Wherefore we respectfully, but earnestly, ask that the

Territory of Washington be admitted as one of the states of the Federal Union.

And your memorialists will ever pray.

Passed the House December 13, 1887.

W. M. CLARK,

Speaker of the House.

Passed the Council December 20, 1887.

JOHN R. THOMPSON,

President of the Council.

MEMORIAL

PRAYING THAT THE COLVILLE INDIAN RESERVATION BE
VACATED.

To the Honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent: That that important portion of the Territory, known as the Colville Indian Reservation, has fulfilled the purposes for which it was reserved. The Indians resident thereon have now attained a sufficiently advanced state of civilization to become members of a common community, and they desire to surrender their reservation rights and become owners of land in severalty, provided such lands are secured to them. This reservation covers an area of five thousand (5,000) square miles, and contains an Indian population of only eight hundred (800). It is bounded on the east and south by the Columbia, on the west by the Okinakane river, and on the north for a distance of 78 miles by the British Columbia boundary line. The two rivers aforesaid are the most important water-ways leading from British Columbia into Washington Territory, and it is of great importance that these two water-ways should be protected by some securer means than that provided by an Indian reservation. The boundary line, also, between the Okinakane and Columbia rivers aforesaid, is unprotected against smuggling, and many Chinese, and large quantities of dutiable goods (particularly opium) surreptitiously find their way into the Territory between these points.

The Territory embraced in the said reservation is very

rich in natural resources, mineral, timber and agricultural, which, with the exception of small detached portions cultivated by the Indians, shall remain undeveloped so long as this reservation exists, and will become a serious drag on the future progress of the Territory. Those portions of this Territory lying east and north of the Columbia river, and west of the Okinakane river, between the same parallels, are completely divided by this large tract of country, which is proving a serious obstruction to the building of roads and other means of egress and ingress to settlers.

Feeling assured that the longer maintenance of the said reservation will be seriously detrimental to the people of Washington Territory, and believing that the change suggested herein would be welcomed to the Indians residents thereon: Your memorialists would therefore earnestly pray, that the said Indians be offered liberal allotments of lands in severalty, and the remainder be otherwise disposed of; and, as in duty bound, your memorialists will ever pray.

Passed the House January 31, 1888.

W. M. CLARK,

Speaker of the House.

Passed the Council February 2, 1888.

JOHN R. THOMPSON,

President of the Council.

MEMORIAL

PRAYING FOR THE REMOVAL OF OBSTRUCTIONS FROM SNAKE RIVER.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent to your honorable body that the interests of a large portion of this Territory imperitively requires that immediate action should be taken, under the authority of congress, to open to navigation that part of Snake River, from Riparia, near the mouth of the Tucannon River, to the confluence of the Columbia, a distance of about fifty miles, this giving unbroken navigation upon this great river from the mouth of Grande Ronde river, a distance of over one hundred and seventy miles, and thence upon the Columbia to

the Dalles, a distance of over one hundred and twenty miles; that said river is sufficiently large for any amount of commerce for this entire distance at all seasons; that by reason of a few rapids and sunken rocks, said river is rendered dangerous and comparatively useless between those points described; that your memorialists have been informed, and believe, that fifty thousand dollars expended judiciously would remove said obstructions, thus lifting the heavy burden of high rates of transportation from thousands of struggling settlers, not alone in southeastern Washington, an area embracing a vast empire in extent, but also a large portion of north Idaho and north-eastern Oregon, by affording an open gateway for commerce to the upper and lower Columbia river, the great trans-continental railways of the Northern and Union Pacific, the Great Lakes, Puget Sound and the two Oceans; that this vast domain thus emancipated from its thralldom, is thickly studded with large fields of grain; with thousands of orchards bearing nearly all varieties of fruit, rapidly increasing in number and production; stock ranges upon which increasing herds of horses, cattle, and sheep may be seen in multitudes; immense forests; extensive mineral resources; important towns and cities, and over one hundred thousand people, who with one accord lift up their voices to your honorable body for the relief prayed for herein.

Wherefore, your memorialists pray that the sum of fifty thousand dollars be appropriated for the removal of the obstructions in said Snake river between Riparia and the Columbia river.

And your memorialists, as in duty bound, will ever pray.
Passed the House January 17, 1888.

W. M. CLARK,
Speaker of the House.

Passed the Council January 19, 1888.

JOHN R. THOMPSON,
President of the Council.

MEMORIAL

CONCERNING THE EVILS ARISING FROM THE PRESENCE OF CHINESE ON THE PACIFIC COAST, AND PRAYING FOR SUITABLE LEGISLATION TO REMEDY THE SAME.

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of Washington Territory, do most respectfully represent:

That the presence of Chinese in our midst is an evil of great magnitude, and that if such evil is allowed to continue and grow it will finally work the destruction of christian civilization on this coast and a subversion of our institutions.

That it is a fact patent to all persons who have resided for any reasonable length of time on the Pacific Coast, that white labor and Chinese labor cannot successfully compete, and that such competition must necessarily end in the destruction of white labor, and the consequent overthrow of all governments like our Republic, to the maintenance and stability of which white labor is so important a factor.

That it is also manifest, that it will take centuries to civilize and Americanize the Chinese and to create in them any love or respect for, or appreciation of our institutions, and that they are a people so totally distinct from people of European race and descent that they can never assimilate with our people, and consequently are unfit to have conferred upon them the rights of American citizenship.

That they have been on our coast in large numbers since 1861, and that with a few isolated exceptions, they still cling with a stubborn tenacity and unconquerable will to the practices, habits, traditions and religion of the land of their birth.

That the mass of the people of Washington Territory are law-abiding, treaty-respecting citizens of the Republic, and neither encourage nor believe in mob violence toward any person or class of persons guaranteed the right to dwell in their midst, yet with perhaps the exception of a few sentimentalists, they unanimously request, and we, your memorialists therefore pray, that your honorable body take steps to have removed from the United States to their own country all Chinese subjects, with the exception of "merchants," "travelers," "students," "teachers" and "missionaries," (as hereinafter defined), and except representatives from the government of the Chinese Empire to the government of the United States, and that steps be taken to so modify the existing treaty with the Chinese government, that at an early date in the future no subjects of the Chinese Empire, except of the classes above specified, be allowed to enter the United States. That our treaty with China and the laws of the United States respecting immigration of Chinese, be so modified that the term "merchant" as applied to subjects of the Chinese Empire shall be restricted in meaning to a person who deals in productions and commodities of China, manufactured or produced in China, or commodities manufactured or produced in the United States and purchased to be shipped to China.

That the term "traveler" shall mean when applied to Chinese subjects such persons only who have passports from the

emperor of China, and who are traveling under such passports for the purpose of health, pleasure or observation.

That the term "students" shall mean persons who are actually in attendance at some college or other institution of learning under the charge solely of Americans or Europeans.

That the terms "teacher" and "missionary" shall mean persons who are actually in attendance at some college or other institution of learning under the charge solely of Americans or Europeans.

That the terms "teacher" and "missionary" shall mean persons who are engaged solely in the calling of imparting information in science, literature or religion, and who have in addition passports, as in the case of "travelers."

That no subject of the Chinese Empire, save of the classes as above specified and defined, be allowed to enter or remain in the United States, and that the same restrictions which apply to Chinese in the United States shall apply to Americans in China, so that our treaty with that country may be mutual in its operation.

Your memorialists further ask your honorable body to so amend the Chinese restriction acts as to punish by imprisonment, all Chinese (other than those of the classes above specified and defined) entering the United States.

And your memorialists further ask that laws be enacted with suitable penalties, prohibiting railroad and other corporations, heretofore or hereafter incorporated by acts of Congress, from employing in any capacity, persons who by the laws of the United States are incapable of becoming citizens of the United States.

And your memorialists do further ask, that Congress make liberal appropriations for the purpose of carrying out and enforcing the provisions of the Chinese restriction acts, and that inasmuch as the custom service in this district is wholly inadequate in numbers to properly enforce said restriction acts, said customs force be so increased that said restriction acts may be strictly and rigidly enforced, and the unlawful entry of Chinese into our Territory from the neighboring Province of British Columbia, may be stopped.

Your memorialists further represent that large numbers of Chinese laborers unlawfully enter the United States from the Province of British Columbia on over north and that many of them escape detection, and that in case of the arrest of any such Chinese under the present laws that the Federal officers are not permitted by the British Columbia authorities to return such persons to that province unless upon the payment of fifty dollars tax for each Chinaman so returned, and that as a consequence

thirty-three Chinese laborers are now and have been for a long time in the custody of the United States marshal of this Territory, and that they will remain indefinitely in his custody at great expense to the United States, until by law Congress provides a remedy for this evil. And your memorialists, as in duty bound, will ever pray.

Passed the House January 31, 1888.

W. M. CLARK,

Speaker of the House.

Passed the Council February 2, 1888.

JOHN R. THOMPSON,

President of the Council.

MEMORIAL.

PRAYING FOR AN APPROPRIATION FOR DENNIS STORRS, DONALD M'DONALD, FRITZ DIBBERN, LIVING, AND TO THE HEIRS OF DANIEL HIMES AND MARION MINNICK, DECEASED.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent:

That some years ago the Skagit river was blocked, and navigation thereon completely obstructed in consequence of a jam of logs which had formed in that river; that the Skagit river is now, and has at all times been, an important navigable river of Western Washington, and drains extensive forests and fertile agricultural lands; that the people had tried in vain to obtain aid from congress in the clearing of this jam, and thereby improving the navigation of the Skagit river; that failing to obtain any assistance from congress or the Territorial legislature, Dennis Storrs, Donald McDonald, Fritz Dibbern, Daniel Himes and Marion Minnick, residents of Skagit county, Washington Territory, proceeded, at their own expense, to perform the work of clearing out the jam aforesaid, and opening the Skagit river to navigation; that this great task, which should have been performed by the government, was finally performed by these men; after three years of very severe labor the jam aforesaid was by them cleared out and the river opened for navigation, but for their three years' labor these

men have never received from any source a single dollar. The services which they rendered to the Territory and the public at large was of the greatest value. The opening of the Skagit river to navigation resulted in the improvement and settlement of the surrounding country, and every one has been benefited by the labors of these men above named, except themselves and their families. Of these men, three survive, the rest are dead. Wherefore your memorialists respectfully pray that the sum of ten thousand dollars (\$10,000) be appropriated for the purpose of compensating these men and their families for the public services which they rendered. Two thousand dollars (\$2000) each to be given to the survivors, and two thousand dollars (\$2000) to be given to each of the families of the deceased.

And your memorialists, as in duty bound, will ever pray.
Passed the House January 31, 1888.

W. M. CLARK,

Speaker of the House.

Passed the Council February 1, 1888.

JOHN R. THOMPSON,

President of the Council.

MEMORIAL

ASKING APPROPRIATION FOR THE PURPOSE OF SURVEYING UNSURVEYED LANDS.

*To the Honorable the Senate and House of Representatives of
the United States in Congress assembled:*

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent, that there are twenty-two million acres of unsurveyed land within its borders. About one hundred and thirty townships are occupied by actual settlers, and surveys on these lands are needed at once, having in many instances been occupied as long as twenty years. The settlers on these unsurveyed lands earnestly desire that a government survey be made at once, so that all uncertainties and disagreements as to locations may be set at rest, and definite boundaries established. To make the surveys stated, an appropriation of one hundred and thirty thousand dollars (\$130,000) will be required, and

in establishing rates to pay deputies, it should be remembered that a fair average in this Territory is from two to three miles per day, whereas in many portions of the United States surveyors can cover from twelve to fourteen miles per day.

In view of these facts, your memorialists respectfully petition your honorable bodies to make an appropriation of one hundred and thirty thousand dollars (\$130,000) for the purpose herein stated; and, as in duty bound, your memorialists will ever pray.

Passed the House January 31, 1888.

W. M. CLARK,

Speaker of the House.

Passed the Council Feb. 2, 1888.

JOHN R. THOMPSON,

President of the Council.

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THE
WORLD

✻ RESOLUTIONS. ✻

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RESOLUTIONS.

COUNCIL JOINT RESOLUTION NO. 1.

PROVIDING FOR FURNISHING COPIES OF PRINTED BILLS, RESOLUTIONS AND MEMORIALS TO THE GOVERNOR, MEMBERS AND CHIEF CLERKS OF BOTH HOUSES, AND TO REPORTERS.

Resolved by the Council, the House concurring, That the sergeants-at-arms of both houses be and they are hereby instructed to furnish to the governor, several members and chief clerks of both houses, and to reporters of the various newspapers, four copies each of the bills, resolutions and memorials ordered printed by either the house or council of this legislative assembly.

Passed the Council December 11, 1887.

JOHN R. THOMPSON,
President of the Council.

Passed the House December 12, 1887.

W. M. CLARK,
Speaker of the House.

COUNCIL JOINT RESOLUTION NO. 5.

RELATIVE TO JOINT COMMITTEE TO VISIT THE PENITENTIARY AT WALLA WALLA.

Whereas, under an act approved January 22d, 1886, provision was made and commissioners appointed for the erection

of a penitentiary at Walla Walla, and \$60,000 appropriated, together with what is known as the penitentiary fund; and

Whereas, said commissioners were appointed, and erected said prison; and

Whereas, said act provided—sections 13 and 14: “Sec. 13. It shall be the duty of the governor, upon receipt of notice from said board of commissioners that the said penitentiary at Walla Walla is ready for occupancy, to cause the Territorial convicts to be removed thereto, by such means and in such manner as he may deem expedient, and all expenses of said removal shall be paid from and out of the general fund, and it is hereby made the duty of the Territorial treasurer to pay such expenses as above provided, upon the warrant of the auditor.

Sec. 14. The governor, upon the removal of said convicts to the penitentiary at Walla Walla, if prior to the next regular session of the legislative assembly, shall appoint such officers and prescribe such rules as may be necessary for the government and discipline of said penitentiary, until the same are provided for by law.” And

Whereas, the report of the commissioners shows that all these things have been done; and

Whereas, the legislative assembly of 1885-86 failed to make the necessary appropriation for the maintenance of said prisoners after their removal; and

Whereas, there is no law now in existence for the government and maintenance of said penitentiary; therefore

Be it resolved by the Council, the House concurring, That a special committee shall be raised, consisting of three members of the council and three of the house, with power to send for persons and papers, and with authority to visit said prison, and to examine all expenditures made by said officers, including commissioners, and present an itemized bill and report back to their respective houses, by bill or otherwise.

Passed the Council December 19, 1887.

JOHN R. THOMPSON,
President of the Council.

Passed the House December 19, 1887.

W. M. CLARK,
Speaker of the House.

COUNCIL JOINT RESOLUTION NO. 8.

FOR PROVIDING COPIES OF THE LAWS OF THE TERRITORY
FOR THE LIBRARY.

Resolved by the Council, the House concurring, That the auditor of the Territory be requested to furnish to the librarian, for the Territorial library, six (6) copies each of all session laws of this Territory which he may now, or hereafter, have, and six (6) copies of the code, and take the librarian's receipt therefor.

Passed the Council December 20, 1887.

JOHN R. THOMPSON,
President of the Council.

Passed the House January 17, 1888.

W. M. CLARK,
Speaker of the House.

COUNCIL JOINT RESOLUTION NO. 9.

Resolved by the Council, the House concurring, That the sargeant-at-arms of the council be empowered to expend not exceeding ten dollars for the purchase of type-writer paper for use of the committees and their clerks.

Passed the Council December 20, 1887.

JOHN R. THOMPSON,
President of the Council.

Passed the House December 21, 1887.

W. M. CLARK,
Speaker of the House.

COUNCIL JOINT RESOLUTION NO. 10.

RELATIVE TO APPOINTMENT OF COMMITTEE TO VISIT THE WASHINGTON SCHOOL FOR DEFECTIVE YOUTH.

Be it resolved by the Council, the House concurring, That a joint committee of five, three from the house and two from

the council, be appointed to visit the Washington School for Defective Youth, and report on the third day of January, 1888.

Passed the Council December 20, 1887.

JOHN R. THOMPSON,
President of the Council.

Passed the House December 21, 1887.

W. M. CLARK,
Speaker of the House.

HOUSE JOINT RESOLUTION NO. 1.

IN REFERENCE TO JOINT COMMITTEE ON JOINT RULES.

Resolved by the House, the Council concurring, That the standing committee on rules and orders be instructed to confer with the standing committee on rules of the council, in reference to the adoption of joint rules, and report the result of such conference at an early date.

Passed the House December 9, 1887.

W. M. CLARK,
Speaker of the House.

Passed the Council December 19, 1887.

JOHN R. THOMPSON,
President of the Council.

HOUSE JOINT RESOLUTION NO. 2.

AUTHORIZING THE GOVERNOR TO APPOINT A MESSENGER DURING THE SESSION OF THE LEGISLATIVE ASSEMBLY.

Resolved by the House, the Council concurring, That the governor be and he is hereby authorized to employ a messenger to attend upon the executive chamber during this session, with like compensation as is paid to messengers of the legislative assembly.

Passed the House of Representatives December 9, 1887.

W. M. CLARK,
Speaker of the House.

Passed the Council December 13, 1887.

JOHN R. THOMPSON,
President of the Council,

HOUSE JOINT RESOLUTION NO. 3.

ACCEPTING THE INVITATION OF THE BOARD OF TRUSTEES, HOSPITAL FOR INSANE, TO BE PRESENT AT THE OPENING OF THE NEW ASYLUM BUILDING, AND PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO ARRANGE FOR TRANSPORTATION.

Whereas, The board of trustees of the Hospital for Insane have invited the members of this legislative assembly to be present at the formal opening of the new asylum building at Fort Steilacoom, on Thursday, December 15, 1887;

Now therefore, be it resolved by the House, the Council concurring, That this assembly accept the invitation of the board of trustees, to be present at said date, and that a joint committee, consisting of two members of the house and one member from the council, be appointed to make suitable arrangements for the transportation of the members and officers of this assembly, the governor and the Territorial officers and reporters of the various newspapers, thereto and return.

Passed the House December 14, 1887.

W. M. CLARK,

Speaker of the House.

Passed the Council December 14, 1887.

JOHN R. THOMPSON,

President of the Council.

HOUSE JOINT RESOLUTION NO. 4.

RELATING TO THE APPOINTMENT OF A JOINT COMMITTEE TO VISIT COAL MINES.

Whereas, The standing committee on mines and mining interests are required to report upon bills of great importance relating to coal mines; and

Whereas, Said committee are unable to make an intelligent report by reason of their limited knowledge concerning such mines; and

Whereas, The governor in his message stated that a necessity exists for the compilation and adoption of a code of mining laws;

Therefore be it resolved by the House, the Council concurring, That a joint committee of six, four on the part of the house and two of the council, be appointed by the speaker of the house and the president of the council respectively, and that it shall be the duty of said committee to visit at least two and not to exceed three of the nearest coal mines in this Territory in active operation, and to report to this legislative assembly what laws it deems necessary for the proper regulation of such mines, or other mines in this Territory, and to further report any other information deemed of interest, and that such committee shall be granted a leave of absence for such time as shall be necessary to accomplish the objects of this resolution.

Passed the House December 16, 1887.

W. M. CLARK,

Speaker of the House.

Passed the Council December 20, 1887.

JOHN R. THOMPSON,

President of the Council.

HOUSE JOINT RESOLUTION NO. 5.

IN RELATION TO HOLIDAY ADJOURNMENT.

Resolved by the House, the Council concurring, That when the two houses adjourn on Wednesday, December 21, 1887, that they stand adjourned until two o'clock Monday afternoon, January 2, 1888.

Passed the House December 19, 1887.

W. M. CLARK,

Speaker of the House.

Passed the Council December 20, 1887.

JOHN R. THOMPSON,

President of the Council.

HOUSE JOINT RESOLUTION NO. 7.

IN RELATION TO APPROPRIATIONS.

Resolved by the House, the Council concurring, That the committee on ways, means and claims, of the council, con-

stitute, with the committee on ways, means and claims, of the house, a joint committee upon ways, means and claims, to provide and report by bill or bills such general appropriations as may be necessary for the ensuing two years.

Passed the House January 18, 1888.

W. M. CLARK,

Speaker of the House.

Passed the Council January 19, 1888.

JOHN R. THOMPSON,

President of the Council.

HOUSE JOINT RESOLUTION NO. 8.

INSTRUCTING THE REGENTS OF THE UNIVERSITY TO MAKE A FULL EXHIBIT OF ITS ASSETS TO THE NEXT LEGISLATURE.

Resolved by the House, the Council concurring, That the regents of the Territorial University of the Territory of Washington be instructed to make a full exhibit of the assets of the said university to the next legislature that shall convene at the capitol of this Territory. Said exhibit shall show the amount of land belonging to said university, and the location of the same, also the character and probable value of said land. The money on hand, money loaned, what interest it is drawing, and the characters of the security taken. They shall also show, by furnishing a transcript of the records, the characters of the title the Territory has to the ten acres on which the university is located.

Passed the House February 1, 1888.

W. M. CLARK,

Speaker of the House.

Passed the Council February 2, 1888.

JOHN R. THOMPSON,

President of the Council.

TERRITORY OF WASHINGTON, } ss.
OFFICE OF THE SECRETARY.

I, N. H. Owings, secretary of the said Territory, do hereby certify that the laws, joint resolutions and memorials published in this volume have been compared with the originals, deposited and now on file in this office, and that they appear to be correctly printed.

In testimony whereof I have hereunto set my hand and affixed the great seal of said Territory, at Olympia, this 10th day of April, A. D. 1888.

N. H. OWINGS,
Secretary of the Territory.



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